

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13<sup>th</sup> DAY OF JUNE, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 7:15 p.m.)	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Brian Hamilton	-Economic Development Director
	Angie Hill	-Financial & Management Services Director
	Steve Sandy	-Planning Director
	Karen Edmonds	-Human Resources Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: William H. Brown -Vice Chair

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2011-013
2. Project # 2011-022
3. Project # 2011-023

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Library Board
2. Parks & Recreation Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
Mary W. Biggs		Annette S. Perkins
Doug Marrs		
John A. Muffo		
James D. Politis		

Supervisor Perkins arrived at 7:15 p.m.

### **OUT OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Gary D. Creed	None	William H. Brown	Annette S. Perkins
Mary W. Biggs			
Doug Marrs			
John A. Muffo			
James D. Politis			

Supervisor Perkins abstained due to not attending the closed meeting session.

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### VOTE

##### AYES

Mary W. Biggs  
Doug Marrs  
John A. Muffo  
Gary D. Creed  
James D. Politis

##### NAYS

None

##### ABSENT DURING VOTE

William H. Brown

##### ABSENT DURING MEETING

William H. Brown

##### ABSTAIN

Annette S. Perkins

#### INVOCATION

A moment of silence was led by the Chair.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### DELEGATION

##### Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported that VDOT is starting their paving for the summer, which includes Prices Fork Road and North Franklin Street (US 460 Business).

Mr. Clarke reported the following:

- Yellow Sulphur Road – Revenue Sharing Project: This project is in the design phase. Estimated bid date is July 2011.

All revenue sharing projects will be overseen by the Salem District Office now. This is part of the overall regional plan.

- Blue Springs Road Bridge: - The old truss bridge on Blue Springs Road will be replaced as part of the State Bridge Replacement Fund. Part of the road will be closed for one year while construction takes place. No local funds are required.
- Big Vein Road – David Clarke reported that brush has been cut back. It will probably be in the Fall before VDOT starts replacing pipes and ditching work.

### **PUBLIC ADDRESS**

There being no speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated June 13, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	William H. Brown
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the minutes dated November 22, December 6, and December 13, 2010 were approved.

**R-FY-11-123**  
**A RESOLUTION SCHEDULING A PUBLIC HEARING**  
**INTENT TO SELL AND CONVEY**  
**0.105 ACRES LOCATED AT 1870 BIG SPRING DRIVE,**  
**IN THE SHAWSVILLE MAGISTERIAL DISTRICT,**  
**THE FORMER ELLISTON FIRE STATION PROPERTY**  
**TO MOUNTAIN VALLEY CHARITABLE FOUNDATION**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday, June 27, 2011, at 7:15 p.m. or as soon thereafter in the Board of Supervisors Chambers in the

Montgomery County Government Center, located at 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizen comments on the Board of Supervisors' intent to sell and convey 0.105 acre located at 1870 Big Spring Drive, in the Shawsville Magisterial District, identified as Tax Parcel NO. 59A-A-31, the former Elliston Fire Station property, to Mountain Valley Charitable Foundation.

**R-FY-11-124**  
**A RESOLUTION SCHEDULING A PUBLIC HEARING**  
**INTENT TO SELL AND CONVEY**  
**0.339 ACRES AND A 0.636 ACRE DRAINAGE EASEMENT**  
**LOCATED AT 2366 DEN HILL DRIVE,**  
**IN THE SHAWSVILLE MAGISTERIAL DISTRICT,**  
**TO VDOT FOR THE I-81 ROAD WIDENING PROJECT**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday, June 27, 2011, at 7:15 p.m. or as soon thereafter in the Board of Supervisors Chambers in the Montgomery County Government Center, located at 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizen comments on the Board of Supervisors' intent to sell and convey 0.339 acres and a 0.636 acre drainage easement located at 2366 Den Hill Drive, in the Shawsville Magisterial District, identified as a portion of Tax Parcel No. 081-A-14 to VDOT for the I-81 Road Widening Project.

**A-FY-11-101**  
**COMMONWEALTH'S ATTORNEY**  
**FORFEITED ASSET SHARING PROGRAM**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$387
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104	Confiscations
	\$387

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-11-102**  
**VOLUNTEER RESCUE SQUAD**  
**FOUR FOR LIFE FUNDS APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

331	Fire and Rescue Grants-Four for Life	\$69,536
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

23312-424401	Four for Life	\$69,536
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Said resolution appropriates funds received from the Four for Life program for use by volunteer Rescue Squads.

**A-FY-11-103**  
**TREASURER**  
**DMV STOP FEES**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

162	Treasurer's Collections	\$3,075
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

411605	DMV Stop Fee	\$2,879
416010	Warrant-In-Debt Fees	<u>\$ 196</u>
	Total	\$3,075

Said resolution appropriates DMV Stop Fees and Warrant in Debt Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

**A-FY-11-104**  
**SHERIFF**  
**RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

310	Sheriff Comp	\$ 939
320	Sheriff County	<u>\$6,922</u>
	Total	\$7,861

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108	Recovered Costs
	\$7,861

Said resolution appropriates recovered costs for use by the Sheriff's department.

**A-FY-11-105**  
**ECONOMIC DEVELOPMENT**  
**FALLING BRANCH CORPORATE PARK**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
12	810	Future Capital Projects (\$340,794)
<u>TO:</u>		
12	128101FB	Falling Branch Corporate Park Project \$340,794

Said resolution transfers funding within the County Capital Projects Fund for project management of the Falling Branch Corporate Park project.

**A-FY-11-106**  
**SCHOOL CAPITAL PROJECTS**  
**APPROPRIATION OF PPEA FEES**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2011 for the function and in the amount as follow:

19	School Capital Projects Fund	\$100,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451204	School Capital Projects Fund Balance
	\$100,000

Said resolution appropriates monies received from PPEA proposers provided to pay the School Board's consultant and staff for the review of proposals.

**A-FY-11-107  
SCHOOL NUTRITION FUND  
SUPPLEMENTAL APPROPRIATION  
TO CLOSE OUT FISCAL YEAR 2011**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

11	School Nutrition Fund Administration	\$200,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>	
451204	School Nutrition Fund Balance
	\$200,000

Said resolution appropriates additional funds for the school nutrition program to close out the year.

**A-FY-11-108  
2009 AND 2010 QSCB  
BOND PROCEEDS  
ISSUANCE COSTS REFUNDED**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

Elliston/Lafayette Elementary School	\$ 9,629
Prices Fork Elementary School	<u>\$55,385</u>
Total	\$65,014

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424244Bond Proceeds – Qualified School Construction Bonds      \$65,014

Said resolution appropriates excess cost of issuance proceeds from the issue of 2009 and 2010 Qualified School Construction Bonds (QSCB) for the construction of Elliston/Lafayette Elementary School and Prices Fork Elementary School.

**R-FY-11-125**  
**A RESOLUTION REQUESTING THE**  
**AFD ADVISORY COMMITTEE AND**  
**THE PLANNING COMMISSION TO COMMENCE**  
**THE RENEWAL PROCESS FOR AFD-1, AFD-2 AND AFD-15**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Agricultural and Forestal District-1 (Prices Fork / Toms Creek), Agricultural and Forestal District-2 (Catawba Road), and Agricultural and Forestal District-15 (Taylor Hollow) encompassing a total of 44 landowners and approximately 8,349 acres are scheduled to expire on December 31, 2011; and

WHEREAS, Section 15.2-4311 of the Code of Virginia and Section 2-152 of the Code of Montgomery County provides for the orderly review and renewal of such districts.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby directs the AFD Advisory Committee and the Planning Commission to commence the review and renewal process as required by Section 15.2-4311 of the 1950 Code of Virginia, as amended, for AFD-1, AFD-2 and AFD-15 and provide the Board of Supervisors with a recommendation as to the renewal of each of these Agricultural and Forestal Districts.

**R-FY-11-126**  
**ADJUSTMENT AND APPEALS BOARD**  
**REAPPOINT JOEL A. DONAHUE**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Joel A. Donahue** to the **Adjustment and Appeals Board** effective June 26, 2011 and expiring June 25, 2015.

**R-FY-11-127**  
**COMMUNITY SERVICES BOARD-**  
**REAPPOINT NEAL TURNER**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Neal Turner** to the **Community Services Board** effective July 1, 2011 and expiring June 30, 2014.

**R-FY-11-128**  
**MONTGOMERY-FLOYD REGIONAL**  
**LIBRARY BOARD-REAPPOINT ANNE PAGE**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Anne Page** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2011 and expiring June 30, 2015.

**R-FY-11-129**  
**LOCAL YOUTH COUNCIL FOR**  
**LOCAL WORKFORCE INVESTMENT BOARD**  
**REAPPOINT MARY CRITZER**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary Critzer** to the **Local Youth Council** for the Local Workforce Investment Board in Local Workforce Investment Area #2 effective July, 1, 2011 and expiring June 30, 2014.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that employees appointed to boards/commissions /authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

**R-FY-11-130**  
**TRANSPORTATION SAFETY COMMISSION**  
**REAPPOINT THE EMERGENCY SERVICES COORDINATOR**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the **Emergency Services Coordinator** as an ex-officio member of the **Transportation Safety Commission** effective June 28, 2011.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. OBMS Master Plan
2. Line of Duty Act - Benefit Funding
3. Comprehensive Services Act – Additional Appropriation

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	William H. Brown
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		
Doug Marrs		
James D. Politis		

### **OBMS Master Plan**

The County Administrator reported he received an update on the Old Blacksburg Middle School Master Plan dated June 3, 2011. A resolution to consider adopting the plan will be included on the Board's June 27, 2011 agenda.

Supervisor Creed asked what are the Town of Blacksburg's intentions regarding the 3 acres that is included in the plan for a park identified as the Dell. He questioned who is going to purchase the 3 acres designated for the park. He recalled that when the County sold the Bethel Elementary School property and decided to keep a portion of the property for a park, the County purchased the remaining acreage. The money the County spent on purchasing the property was allocated back to the school capital projects. Supervisor Creed stated he is fine with open space; however, someone needs to purchase the land.

The County Administrator stated he assumes that the Town will require the developer to designate a portion of the land as open and deed the open space to the Town or maintain it themselves.

### **Line of Duty Act – Benefit Funding**

The 2011 Virginia Appropriations Committee established the Line of Duty Act (LODA). The Line of Duty Act benefits are administered by the Virginia Department of Accounts and, by law, localities must provide the benefit. The LODA Fund is administered by the Virginia Retirement System (VRS) and provides a funding mechanism for payment of LODA benefits. The state and localities participate automatically in the LODA Fund. However, localities may opt out of participation in the LODA Fund by June 30, 2012. This is another unfunded mandate passed down to localities.

The County Administrator reported that the Line of Duty Act provides benefits to first responders who die or become disabled in the line of duty. Montgomery County's first responders, as defined by the Act, include: Sheriff, Sheriff Deputies, and members of the Fire Departments and Rescue Squads.

Montgomery County must decide if they want to remain in the VRS program or opt out and provide the benefits on a local level. If the County remains with the VRS program there is no ownership and is expensive as all localities pay the same rate per person. Montgomery County would be blended with localities with much higher claims. Another option is to participate with the VACo program which rates are based on individual experience but the County would not retain control of funds and there would be an administrative fee added. If the County decides to self-fund the program then the County would keep the funds until they were actually needed and is considered the most economical of the three options.

It is staff's recommendation to adopt a resolution at the June 27, 2011 meeting to opt out of the VRS program and self-fund the Line of Duty program.

### **Comprehensive Services Act – Additional Appropriation**

Carol Edmonds, Assistant County Administrator, made a presentation on the need for additional funding for the Comprehensive Services Act (CSA) for FY 10-11. Ms. Edmonds reported that CSA costs have increased statewide 18% in five years, with costs decreasing in the past two years; however, Montgomery County costs have increased 54% in five years, and 20% within the past two years. In order to meet the expenses at year end, an additional \$11,408 is needed. A resolution is on the agenda under New Business for the Board's consideration.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
Annette S. Perkins		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

## **OLD BUSINESS**

### **R-FY-11-131**

#### **A RESOLUTION AMENDING THE MONTGOMERY COUNTY 2025 COMPREHENSIVE PLAN BY DESIGNATING AN URBAN DEVELOPMENT AREA IN THE VA 177/TYLER ROAD CORRIDOR AREA AND IN THE MERRIMAC/MID- COUNTY AREA AND BY INCORPORATING TRADITIONAL NEIGHBORHOOD DESIGN CONCEPTS AND REVISED POPULATION DATA BASED ON THE 2010 CENSUS INTO THE COMPREHENSIVE PLAN**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Section 15.2-2223.1 of the 1950 Code of Virginia requires the County of Montgomery to designate Urban Development Areas (UDA) in the County Comprehensive Plan by June 30, 2011, which are areas designated by the County as appropriate for higher density development and to incorporate in the Comprehensive Plan principals of traditional neighborhood design concepts for use in the urban development areas; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, desires to amend the Montgomery County 2025 Comprehensive Plan by approving the proposed amendments to the Planning and Land Use Section of the Comprehensive Plan including the Future Policy Map, dated April 12, 2011, which designates in the Comprehensive Plan and Future Policy Map Urban Development Areas in the VA 177/Tyler Road Corridor Area and in the Merrimac/Mid-County Area and incorporates traditional neighborhood design concepts and revised population data and projections based on the 2010 Census.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the proposed amendments to the Planning and Land Use Section of the Montgomery County 2025 Comprehensive Plan dated April 12, 2011, that amends the Montgomery County 2025 Comprehensive Plan by designating Urban Development Areas in the VA 177/Tyler Road Corridor area and in the Merrimac/Mid-County area and by incorporating traditional neighborhood design concepts and revised population data based on the 2010 Census.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	William H. Brown
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Gary D. Creed		
James D. Politis		

**R-FY-11-132**  
**A RESOLUTION AMENDING THE MONTGOMERY COUNTY 2025**  
**COMPREHENSIVE PLAN BY ADOPTING AND INCORPORATING INTO THE**  
**COMPREHENSIVE PLAN THE ROUTE 177 GATEWAY AREA PLAN, DATED APRIL**  
**25, 2011, AS A PART OF THE JOINT COMPREHENSIVE PLAN FOR THE VA**  
**177/TYLER AVENUE CORRIDOR AREA**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, In 2004, the Board of Supervisors adopted the Joint Comprehensive Plan for the VA 177/Tyler Avenue Corridor Area as part of the Montgomery County 2025 Comprehensive Plan; and

WHEREAS, The Board of Supervisors has decided to designate an area within the existing 177 Corridor Urban Expansion Area as one of the County's Urban Development Areas as required by Section 15.2-2223.1 of the 1950 Code of Virginia, and to adopt the Route 177 Gateway Area Plan dated April 25, 2011 as the Plan for the future development of this Urban Development Area; and

WHEREAS, The Board of Supervisors desires to amend the Montgomery County 2025 Comprehensive Plan by adopting and incorporating into the County Comprehensive Plan the Route 177 Gateway Area Plan dated April 25, 2011, as a part of the Joint Comprehensive Plan for the VA 177/Tyler Avenue Corridor area; and

WHEREAS, The County has consulted with the City of Radford on amending the Joint Comprehensive Plan for the VA 177/Tyler Avenue Corridor by adding the Route 177 Gateway Area Plan and the City supports the change.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Route 177 Gateway Area Plan, dated April 25, 2011.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby amends the Montgomery County 2025 Comprehensive Plan by incorporating into the County Comprehensive Plan the Route 177 Gateway Area Plan, dated April 25, 2011, as a part of the Joint Comprehensive Plan for the VA 177/Tyler Avenue Corridor Area.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	William H. Brown
Doug Marrs		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		
James D. Politis		

**ORD-FY-11-15**

**AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 10 ENTITLED ZONING,  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA  
BY ADDING SECTION 10-32 A PUD-TND PLANNED UNIT DEVELOPMENT-  
TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT AND SECTION 10-32.1  
A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) INFILL DISTRICT AND  
BY AMENDING SECTION 10-25 RESIDENTIAL DISTRICT-R-2, AND SECTION 10-26  
RESIDENTIAL DISTRICT-R-3 BY ADDING TRADITIONAL NEIGHBORHOOD  
DESIGN CONCEPTS TO THE COMPACT DEVELOPMENT OPTION IN  
RESIDENTIAL R-2 AND R-3**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Article II of Chapter 10 Entitled Zoning, of the Code of the County of Montgomery, Virginia, shall be amended and reordained by amending Section 10-25 and 10-26 and by adding Sections 10-32 and 10-32.1 as follows:

**Sec. 10-25. R-2 Residential District.**

(1) *Purpose.* The R-2 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities. It includes areas currently zoned R-2 and planned for urban or rural expansion in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single-family and two-family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Bed and breakfast homestay.
- (b) Church.
- (c) Dwelling, single-family.
- (d) Dwelling, two-family.
- (e) Home occupation.
- (f) Library.
- (g) Pet, household.
- (h) Public utility lines, other.
- (i) Public utility lines, water or sewer.
- (j) School.
- (k) Telecommunications tower, attached.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding house.
- (d) Cemetery.
- (e) Civic club.
- (f) Country club.
- (g) Day care center.
- (h) Fire, police and rescue stations.
- (i) Funeral home.
- (j) Golf course.
- (k) Home business.
- (l) Nursing home.
- (m) Park, lighted or unlighted.
- (n) Playground, lighted or unlighted.
- (o) Private club.
- (p) Public utility plant, other.
- (q) Public utility plant, water or sewer.
- (r) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

- (a) *Minimum lot area.* Fifteen thousand (15,000) square feet.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.

- (d) *Minimum width.* Ninety (90) feet at the setback line of front yard.
- (e) *Maximum length/width ratio.* Five to one (5:1).
- (6) *Building requirements.*
- (a) *Minimum yards.*
1. *Front.* Forty (40) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).
  2. *Side.* Fifteen (15) feet for each principal structure.
  3. *Rear.* Forty (40) [feet].
  4. *Accessory buildings.* Ten (10) feet to any side or rear lot line.
- (b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:
1. The height limit for dwellings may be increased up to ten (10) feet, provided that there, is one (1) additional foot or more of side yard in each side yard for each additional foot of building height over thirty-five (35) feet.
  2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
  3. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- (7) *Use limitations.*
- (a) *Public water and wastewater service.* Public water and wastewater services are required for all development in any R-2 district established after the date of adoption of this chapter.
- (b) *Keeping and raising horses and ponies.*
1. Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;
  2. A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and
  3. No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.
- (8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:
- Natural resource preservation.
  - Pedestrian-friendly streetscapes.
  - Cost-efficiency in providing infrastructure.
  - Appropriate design solutions for unique site conditions.
  - Transit-supportive design.

Use of the compact development option is voluntary on the part of applicants. The compact development option permits smaller lot sizes in return for providing permanent ~~green~~ open space within the development, and a more compact, cost-effective network of streets and utilities. ~~Except for modifications to the lot and building requirements defined below, all other provisions of the R-2 district pertain to the compact development option.~~

- (a) *Lot requirements for compact option.*

1. *Minimum lot size.* ~~Eleven thousand (11,000)~~ eight thousand (8,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent ~~green open~~ space, as defined herein.

2. *Minimum required ~~green open~~ space.*

a. *Minimum required ~~green open~~ space.* ~~Minimum lot area.~~ A minimum of Twenty-five (25) percent of the gross area parent tract shall be set aside as open space. At least No one (1) lot area of such required ~~green open~~ space in any compact development shall be less than fourteen thousand (14,000) eight thousand (8,000) square feet. ~~Green Open~~ space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the ~~green open~~ space should be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administration. ~~Green Open~~ space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the ~~green open~~ space and maintained by the appropriate owner. ~~Parking areas and enclosed buildings are prohibited on the green open space.~~

For the purposes of this article, the following items shall qualify as Open Space: Natural areas including environmental corridors, greenways, protected natural areas and reserves; Parks, squares, greens and plazas; Streams, ponds, and other water bodies; Stormwater detention/retention facilities; Accessory parking areas or lots located within public parks or publicly accessible natural areas; Recreational facilities, such as ballfields, playgrounds.

The subdivision plat shall establish, where applicable, a buffer at least 100 feet wide from the center of all streams and a buffer of at least 50 feet from all lakes, ponds, springs, and other surface waters. This shall be set aside as open space.

Lots, buildings, structures, streets, and parking areas shall be situated to minimize the alteration of natural features, natural vegetation, and topography.

The subdivision plat shall accommodate and preserve any features of historic, cultural, or archaeological value.

Floodplains, wetlands, and areas with slopes in excess of 25% shall be protected from development.

b. ~~Maximum length/width ratio. Five to one (5:1).~~

c. ~~Minimum width. Seventy (70) feet at the setback line of front yard.~~

(b) *Building requirements for compact option.*

Minimum yards:

- ~~1. *Front.* Thirty (30) feet.~~
- ~~2. *Side.* Fifteen (15) feet for each principal structure.~~
- ~~3. *Rear.* Thirty (30) feet.~~
- ~~4. *Accessory buildings.* No less than ten (10) feet to side or rear lot line.~~

1. Front:
  - a. Minimum: 10 feet
  - b. Maximum: 25 feet
2. Side:
  - a. Minimum: 10 feet
  - b. Maximum: None
3. Rear:
  - a. Minimum: 25 feet
  - b. Maximum: None
4. Accessory buildings: Not less than 10 feet to side or rear lot line.

(c) Streets.

1. Public streets: New streets as part of the compact development option shall be public and designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete.
2. Private streets. The board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land consistent with the standards set forth in Sec 8-152.
3. Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations, in accordance with the minimum standards required by VDOT.
4. Streets shall be designed to:
  - a. Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
  - b. Minimize alteration of natural, cultural or historic site features; and
  - c. Promote pedestrian movement.
6. All streets shall be designed to promote pedestrian circulation. Pedestrian circulation shall be designed with respect to topography, integration with surrounding streets, connection to existing or future pedestrian ways and transit stops, interior circulation and the separation of pedestrians from vehicles. Sidewalks, informal walkways and footpaths shall be no less than five (5) feet wide. Paths in open space shall be constructed using mulch or stone. The compact development option shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

3. *Maximum density.* The density of development under the compact development option shall be no greater than 4 dwelling units per gross acre.

**Sec. 10-26. R-3 Residential District.**

(1) *Purpose.* The R-3 Residential District is intended to accommodate moderate density suburban residential uses to be served by public water and sewer facilities. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to

promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life, and to permit certain compatible commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising.

To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

(2) *Qualifying lands.* Lands qualifying for inclusion in the R-3 zoning district shall be R-3 Residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be two (2) acres of total contiguous land.

(3) *Uses permitted by right.* The following uses are permitted by right in the R-3 district, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Church.
- (b) Dwelling, single-family.
- (c) Dwelling, two-family.
- (d) Home occupation.
- (e) Library.
- (f) Pet, household.
- (g) Public utility lines, other.
- (h) Public utility lines, water or sewer.
- (i) School.
- (j) Telecommunications tower, attached.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast homestay.
- (c) Boarding house.
- (d) Cemetery.
- (e) Civic club.
- (f) Country club.
- (g) Day care center.
- (h) Fire, police and rescue stations.
- (i) Funeral home.
- (j) Golf course.
- (k) Home business.
- (l) Manufactured home, Class A and Class B.
- (m) Medical care facility.
- (n) Nursing home.
- (o) Park, lighted or unlighted.
- (p) Playground, lighted or unlighted.
- (q) Public utility plant, other.
- (r) Public utility substations.
- (s) Transition house.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

(a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

(a) *Minimum lot area* (also refer to "lot coverage"). Ten thousand (10,000) square feet.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum lot coverage.* Lot coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.

(d) *Minimum width.* Eighty (80) feet at the setback line of front yard.

(e) *Maximum length/width ratio.* Five to one (5:1) for any lot less than two (2) acres.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Twenty-five (25) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).

2. *Side.* Ten (10) feet for each principal structure.

3. *Rear.* Twenty-five (25) feet.

4. *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Up to thirty-five (35) feet in height from grade, except that:

1. The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

3. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

(7) *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all development in any R-3 district established after the date of adoption of this chapter.

(b) *Keeping and raising horses and ponies.*

1. Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;

2. A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and

3. No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

(8) *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.
- Transit-supportive design.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-3 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

1. *Minimum lot size.* ~~Seven thousand (7,000)~~ Five thousand (5,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent green open space, as defined herein.

2. *Minimum required green open space.*

~~Minimum lot area~~ A minimum of Twenty-five (25) percent of the gross area parent tract shall ~~be set aside as open space. At least No one (1) lot area of such required green open space in any compact development shall be less than seven thousand (7,000)~~ five thousand (5,000) square feet. Green Open space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership the green open space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administrator. Green Open space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the green open space and maintained by the appropriate owner. ~~Parking areas and enclosed buildings are prohibited on the green open space.~~

*For the purposes of this article, the following items shall qualify as Open Space:*

Natural areas including environmental corridors, greenways, protected natural areas and reserves; Parks, squares, greens and plazas; Streams, ponds, and other water bodies; Stormwater detention/retention facilities; Accessory parking areas or lots located within public parks or publicly accessible natural areas; Recreational facilities, such as ballfields, playgrounds

*The subdivision plat shall establish, where applicable, a buffer at least 100 feet wide from the center of all streams and a buffer of at least 50 feet from all lakes, ponds, springs, and other surface waters. This shall be set aside as open space.*

*Lots, buildings, structures, streets, and parking areas shall be situated to minimize the alteration of natural features, natural vegetation, and topography.*

*The subdivision plat shall accommodate and preserve any features of historic, cultural, or archaeological value.*

*Floodplains, wetlands, and areas with slopes in excess of 25% shall be protected from development.*

~~b. *Maximum length/width ratio.* No one (1) lot of such required green space in any compact development shall have a length to width ratio greater than five to one (5:1).~~

~~c. *Minimum width.* Sixty (60) feet at the setback line of front yard.~~

(b) *Building requirements for compact option.* Minimum yards:

- ~~1. *Front.* Twenty (20) feet.~~
- ~~2. *Side.* Ten (10) feet for each principal structure.~~
- ~~3. *Rear.* Twenty five (25) feet or more.~~
- ~~4. *Accessory buildings.* No less than five (5) feet to side or rear lot line.~~

1. Front:
  - a. Minimum: 10 feet
  - b. Maximum: 25 feet
2. Side:
  - a. Minimum: 10 feet
  - b. Maximum: None
3. Rear:
  - a. Minimum: 25 feet
  - b. Maximum: None
4. Accessory buildings: Not less than 10 feet to side or rear lot line

(c) Streets.

1. Public streets: New streets as part of the compact development option shall be public and designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete.
2. Private streets. The board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land consistent with the standards set forth in Sec 8-152.
3. Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations, in accordance with the minimum standards required by VDOT.
4. Streets shall be designed to:
  - a. Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
  - b. Minimize alteration of natural, cultural or historic site features; and
  - c. Promote pedestrian movement.
5. All streets shall be designed to promote pedestrian circulation. Pedestrian circulation shall be designed with respect to topography, integration with surrounding streets, connection to existing or future pedestrian ways and transit stops, interior circulation and the separation of pedestrians from vehicles. Sidewalks, informal walkways and footpaths shall be no less than five (5) feet wide. Paths in open space shall be constructed using mulch or stone. The compact development option shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

3. Maximum density. The density of development under the compact development option shall be no greater than 5 dwelling units per gross acre.

## **Sec. 10-32. PUD-TND Planned Unit Development-Traditional Neighborhood Development District**

(1) Purpose. The purpose of the Planned Unit Development - Traditional Neighborhood Development District (PUD-TND) is to provide opportunities for the development of new neighborhoods that feature a mix of land uses and building types that are closely linked by a network of streets, sidewalks, formal and informal open spaces and trails that create an environment that is both pedestrian and transit friendly, and similar to historic small towns and neighborhoods established in Virginia and Montgomery County. The objective of the PUD-TND is to promote:

- a. Compact development with defined edges and a distinct neighborhood center;
- b. Human scale buildings and streets that are pedestrian and transit oriented;
- c. A mix of uses, including residential, commercial, civic, and open space uses ~~in~~ located close to one another within the neighborhood to reduce traffic congestion, reduce travel demand and dependence on automobiles;
- d. A mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- e. A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments;
- f. Public transit as a viable alternative to the automobile by organizing appropriate building densities
- g. Preservation and adaptive use of existing buildings with historical significance or architectural features that enhance the traditional visual character of the community;
- h. Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods;
- i. Design and development consistent with the County's comprehensive plan.

The illustrations below are advisory only and are intended to show general intent of this District. Refer to the Code standards below for the specific standards for this section.



(2) Qualifying lands. Lands qualifying for inclusion in the district shall be limited to tracts within areas mapped as Urban Development Areas, Urban Expansion Areas, Villages and Village Expansion Areas as designated in the Comprehensive Plan and that are served by, or

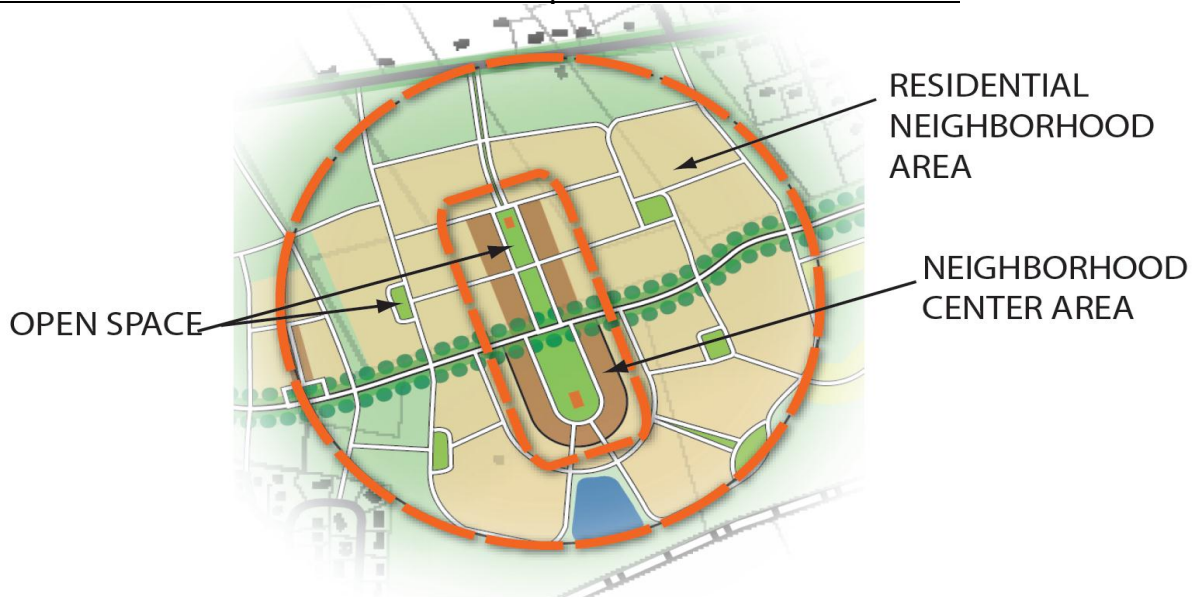
planned for, public sewer and water service. Additionally, the applicant must demonstrate to the satisfaction of the Board of Supervisors that there is sufficient available sewer and water capacity to accommodate the proposed development at full build out and/or provide a plan demonstrating that such improvements will be phased to accommodate projected development as it occurs (see also rezoning and submission requirements Sec 10-54).

(3) *Area Requirements.* The minimum area required to qualify for a traditional neighborhood development shall be forty (40) contiguous acres of land (this is an area encompassed within ¼ mile and approximately the distance at which studies have shown that a significant percentage of people will leave their cars parked and walk between destinations). The tract of land to be developed shall be under single ownership, or shall be the subject of an application filed jointly in accordance with an approved plan. Parcels over 200 acres shall be developed as multiple neighborhoods with pedestrian and/or transit connections between them. Each neighborhood shall be designed with an individual neighborhood center subject to all the provisions of this subsection.

(4) *Mix of Uses.* A mix of land uses is required to achieve the proximity of activities necessary to create a walkable neighborhood. A PUD-TND shall consist of a mix of residential uses and unit types, a neighborhood center and open space subject to compliance with an approved development plan that shall identify the following required subareas:

- a. Neighborhood Center
- b. Residential Neighborhood
- c. Open Space (which may be located in either Neighborhood Centers or Residential Neighborhoods)

The illustration below is advisory only and is intended to show the intent of the subareas of this District. Refer to the Code standards for the specific standards in this section.



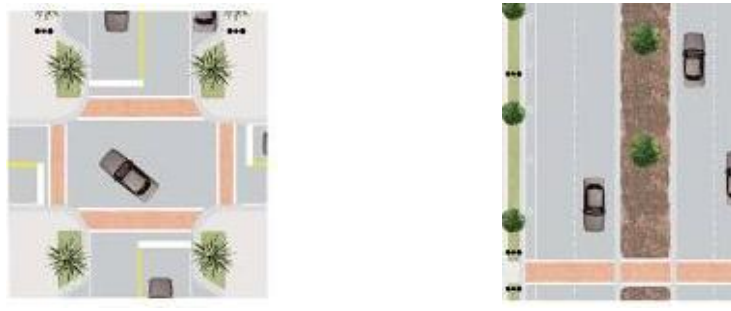
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(5) *TND Subarea Standards and Uses.*

(i) *Neighborhood Center:* Each PUD-TND neighborhood shall have a core made up primarily of commercial, residential, civic or institutional, and open space uses.

(a) *Neighborhood Center Requirements*

1. The neighborhood center shall be no less than 10% and no more than 30% of the total PUD-TND district area and shall include the four different categories of land uses set forth in (b) below: Residential, Commercial, Civic or Institutional and Open Space.
2. A minimum of five percent (5%) and a maximum of thirty percent (30%) of the net development area of the Neighborhood Center shall be designated for a combination of office, commercial and/or service uses. Individual buildings shall not exceed 20,000 square feet in total size, or 10,000 square feet per floor without approval of a special use permit. Hard surfaced pedestrian pathways with a minimum of five (5) feet clear zone shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the center;
3. Crosswalks shall be incorporated within the project, at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections subject to VDOT approval. Crosswalks shall be designed to be an amenity to the development, e.g. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use, including bulb-outs and other pedestrian designs to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians;



**Figure 5. Bulb-outs and crosswalks. Figure . Crosswalk and Median Refuge.**

4. The timing of construction of the non-residential portions of the Neighborhood Center shall be left to the discretion of the applicant(s) as long as the approved concept plan reserves an area for such uses and provided not more than seventy five (75) percent of the total approved residential units (for the entire PUD-TND) may be built prior to construction of at least fifty (50) percent of the approved non-residential floor area of the Neighborhood Center.

(b) Permitted Neighborhood Center Uses by Category:

1. Commercial uses.

- a. Retail Sales and Services including, convenience stores and general stores without fuel sales
- b. Restaurants and Outdoor seating (see Section 10-32(3)(c))
- c. Financial Institutions
- d. Hotels and Motels

- e. Office, administrative, business or professional.
- f. Medical Care Facility
- g. Day Care Center
- h. Funeral Home
- i. Conference or training center
- j. Public or private parking structures, areas, and lots that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
- k. Church
- l. Laundromat

## 2. Residential uses.

- a. Single-family attached dwellings, including duplexes, townhouses, row houses;
- b. Multifamily dwellings, including senior housing;
- c. Residential units located on upper floors above commercial uses; Live/work units that combine a residence and the resident's workplace;
- e. Nursing Home, Congregate Care Facility, and assisted living facilities.
- f. Household pets

## 3. Civic or institutional uses.

- a. Municipal offices, fire stations, libraries, museums, community meeting facilities, community centers, and post offices;
- b. Transit shelters;
- c. Church;
- d. School
- e. Civic club

## 4. Open Space Uses

- a. Square
- b. Plaza
- c. Park
- d. Green
- e. Ballfields and playgrounds

(c) Neighborhood Center Uses permitted by special use permit. Any of the following uses may be allowed in conjunction with a permitted commercial use subject to approval of a special use permit filed as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan.

1. Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear of the principal structure and do not conflict with pedestrian travel ways. In no case shall the drive through lane or window abut or face a public street.

2. Outdoor storage, display and/or sales serving or associated with a by-right permitted use, if any portion of the use would be visible from a travelway.

3. Individual buildings over 20,000 total square feet in size, or greater than 10,000 square feet floorplate.
4. Fuel sales with pumps located at the rear of the associated retail structure and which do not conflict with pedestrian travel ways or interrupt street frontage. In no case shall the gas pump canopy abut a public street.

(d) Additional Provisions for Neighborhood Center Uses:

1. Ground floor residential is not permitted in Mixed Use Buildings.
2. Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of ground floor building area, must be located in side or rear yards adjacent to the principal building, and must be screened from view of adjacent streets or adjacent land.
3. Outdoor seating areas must have a minimum sidewalk width of 5 ft. between the limits of the outdoor seating area and the roadway edge of the sidewalk

(ii) Residential Neighborhood: The primary Subarea of the PUD-TND shall be a neighborhood or series of neighborhoods that provide a mix of housing types with the majority of such housing units located within walking distance of the Neighborhood Core and public open space.

(a) Residential Neighborhood Requirements

1. No more than 90% of the net development area of a PUD-TND shall be residential (inclusive of any residential portion of the Neighborhood Center).
2. Each PUD-TND Residential Neighborhood shall include a minimum of two different housing types and no more than 70% of the total number of units in a neighborhood shall be any one type (sfd, multi family, townhouses, etc)—see page 6(b).
3. Multi-family and single family attached housing shall generally be located closest to the core of the community and within one-quarter (1/4) mile of the Neighborhood Center, and may be permitted farther from the Neighborhood Center if necessary to provide a transition between the neighborhood and abutting off-site high density housing areas, non-residential areas, or major transportation corridors.

(b) Permitted Residential Neighborhood Uses:

1. Single-family detached dwellings;
2. Single-family attached dwellings, including duplexes, townhouses, row houses;
3. Multifamily dwellings
4. Accessory dwelling units associated with single family dwellings;
5. Home occupation
6. Open Space
7. Accessory parking structures, lots or areas associated with permitted multifamily or open space uses
8. Household pets

(c) Residential Neighborhood Uses permitted by special use permit. Any of the following uses may be allowed in conjunction with a permitted Residential Neighborhood use subject to approval of a special use permit filed as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan:

1. Home business

(iii) Open Space: Open space is one of the central organizing features within a PUD-TND and shall be distributed throughout the development and accessible to all residents. Open space shall include formal squares, plazas, and greens and less formal parks, recreation areas, greenbelts, and natural areas. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.

(a) Open Space Requirements

1. A minimum of thirty (30) percent of the gross site area of the PUD-TND shall be common open space uses, and a minimum of 15% shall be usable open space. Usable open space shall be of usable size, shape, location, and topography for formal parks, plazas, greens or squares; or for active recreational use. This open space requirement may be met by open space areas designated within the Neighborhood Center and Residential Neighborhood subareas.

2. Each Neighborhood Center Subarea shall have a minimum of 2% of the area of the Neighborhood Center in common open space, provided that the total amount of such area shall be no smaller than one (1) acre total. All of the open space area located within the Neighborhood Center must be used for parks, squares, or greens.

3. A minimum of fifty (50) percent of the common open space located in the Residential Neighborhood area must be suitable for active recreational usage such as playgrounds, ballfields, bike paths, and trails. Suitable active open space must be of usable size, shape, location, and topography.

4. A square, green or plaza shall not be less than eight thousand (8,000) square feet in size and should not exceed 1 acre.

5. Common open space shall not include existing and/or proposed street rights-of-way, parking areas as required or established under a county ordinance, or driveways.

6. Common open space shall be designed to allow all residential areas within the PUD-TND development pedestrian access to the open space, and no residential dwelling unit in the PUD-TND shall be located more than eight hundred (800) linear feet from accessible common open space. This requirement may be waived by the zoning administrator, during the site plan approval process in instances where one or more of the following occurs: 1) unusual parcel shapes 2) the provision of ample private open space, or 3) other mitigating factors as determined by the zoning administrator.

(b) Permitted Open Space Uses:

1. Natural areas including environmental corridors, greenways, protected natural areas and reserves
2. Parks, squares, greens and plazas
3. Streams, ponds, and other water bodies;
4. Stormwater detention/retention facilities.
5. Accessory parking areas or lots located within public parks or publicly accessible natural areas
6. Recreational facilities, such as ballfields, playgrounds

(c) Ownership and Maintenance

1. Membership in a Property Owners Association (POA) established by the Master Developer shall be mandatory for all property owners within the TND, and shall be required as a covenant in all deeds to property in the TND granted after Concept Plan approval. A TND may have a residential Association and a commercial Association.
2. Initially, the Developer shall maintain control of the Association until such time as two-thirds (2/3) of the lots in the TND have been sold, or as otherwise set forth in its Articles or Bylaws.
3. Common elements including, but not limited to, open space, recreation, plazas, roads, parking, sewer, water, and stormwater management facilities which will not be publicly owned, shall be subject to a form of ownership established in private agreements acceptable to the County, upon recommendation of the County's attorney.
4. The Master Developer shall prepare documents which provide at a minimum that the POA shall accept title to any open space or Civic Lots which may be deeded to them, and shall provide for the maintenance of any common area improvements, private streets or sidewalks, rights-of-way, Civic Buildings, utilities, open space or Civic Lots or other property owned by the owners association. The documents shall establish voting and use rights and shall provide for the collection of dues, levies or assessments to cover expenses including, but not limited to, tax liabilities, maintenance, insurance, and municipal or state assessments. The property owner's association shall have the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due.
5. The County shall be authorized to maintain the common elements and assess the private ownership accordingly if private ownership fails to function as required in any private agreements.

(6) Development Density: The permitted maximum and minimum development densities in the PUD-TND shall conform to density guidelines established in the Comprehensive Plan as follows:

(a) Residential Densities:

1. In areas designated in the Comprehensive Plan as Urban Expansion, village or village expansion areas, gross residential densities shall not exceed three (3) dwelling units per acre.

2. In areas designated in the Comprehensive Plan as Urban Development Areas or urban expansion areas, gross residential densities shall not exceed six (6) dwelling units per acre.

3. Notwithstanding 1 and 2 above, residential densities by housing type shall not exceed four single-family detached dwellings, eight townhouses (duplexes and row houses included), or 15 multi-family units per net residential acre.

(b) Non-Residential Densities:

1. In areas designated in the Comprehensive Plan as Village or Village Expansion areas, non-residential gross floor area ratios shall not exceed 0.25 F.A.R

2. In areas designated in the Comprehensive Plan as Urban Development Areas or Urban Expansion Areas, non-residential gross floor area ratios shall not exceed 0.40 F.A.R

(c) Calculating Density for Mixed Use Buildings:

The residential component of mixed use buildings shall not be counted toward the maximum non-residential floor area permitted, but shall be included in overall density totals as residential units. Multi-family residential uses up to 20 units per net acre maximum shall be permitted if included on the upper floors of a building with ground floor commercial use.

(7) Lot and Building Requirements

(i) Residential lot and building standards

(a) Minimum lot area for residential uses.

Single-family detached dwellings: Five thousand (5,000) square feet.

Duplex dwellings: Three thousand (3,000) square feet;

Single-family attached dwellings:

Fifteen hundred (1,500) square feet; Maximum of eight (8.0) single-family attached dwelling units connected together in one (1) group of units.

Multi-family structures:

Eight thousand five hundred (8,500) square feet;

(b) Minimum lot width for residential uses.

Single-family detached dwellings: Fifty (50) feet.

Duplex dwellings: Forty five (45) feet.

Single-family attached dwellings: Eighteen (18) feet.

Multi-family structures: Ninety (90) feet

(c) Maximum lot coverage. Seventy (70) percent.

(d) Required yards for residential uses.

1. Front.

Single-family detached and duplex dwellings:

Minimum: six (6) feet in the Neighborhood Center; ten (10) feet in Residential Neighborhoods

Maximum: Fifteen (15) in the Neighborhood Center;  
twenty-five (25) feet in Residential Neighborhoods, except  
no maximum setback for any residential lot of twenty  
thousand (20,000) square feet or greater.

Single-family attached and multi-family dwellings:

Minimum: six (6) feet in Neighborhood Center; ten (10)  
feet in the Neighborhood Residential area.

Maximum: Fifteen (15) feet.

2. Side.

Single-family detached and duplex dwellings:

Minimum: Ten (10)

Maximum: None.

Single-family attached and multi-family dwellings:

Minimum: Five (5) feet and not less than fifteen (15) feet  
for both sides combined.

Maximum: None.

3. Rear.

Single-family detached and duplex dwellings:

Minimum: Twenty-five (25) feet.

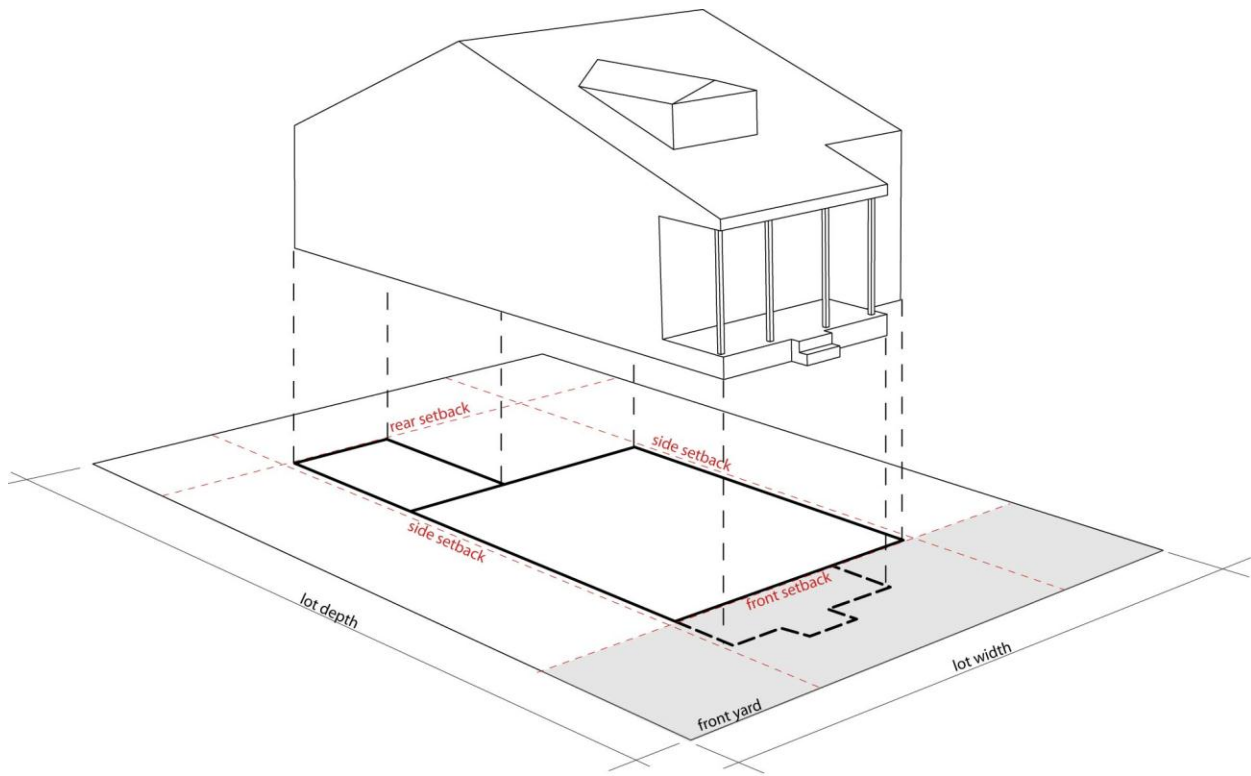
Maximum: None.

Single-family attached and multi-family dwellings:

Minimum: Twenty-five (25) feet.

Maximum: None.

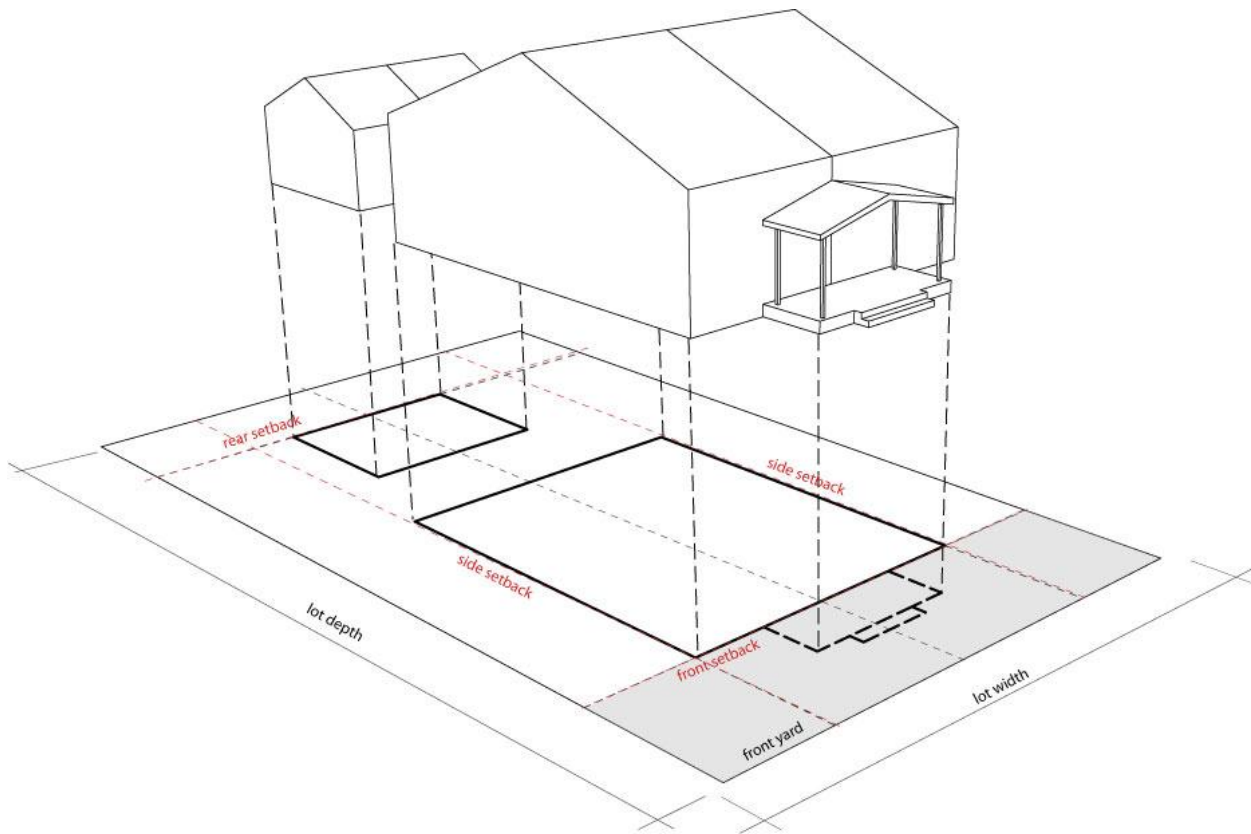
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**Figure 1. Illustration for Single Family Detached/Duplex**

**Required Yards for Single Family Detached/Duplex**

<u>Front</u>	<u>6' min. - 15' max.</u> <u>Neighborhood Core</u> <u>Areas</u> <u>10' min - 25' max</u> <u>Residential</u> <u>Neighborhood Areas*</u> <u>No max setback for</u> <u>residential lot 20,000 SF</u> <u>or greater</u>
<u>Side</u>	<u>10' min.</u>
<u>Rear</u>	<u>25' min.</u>



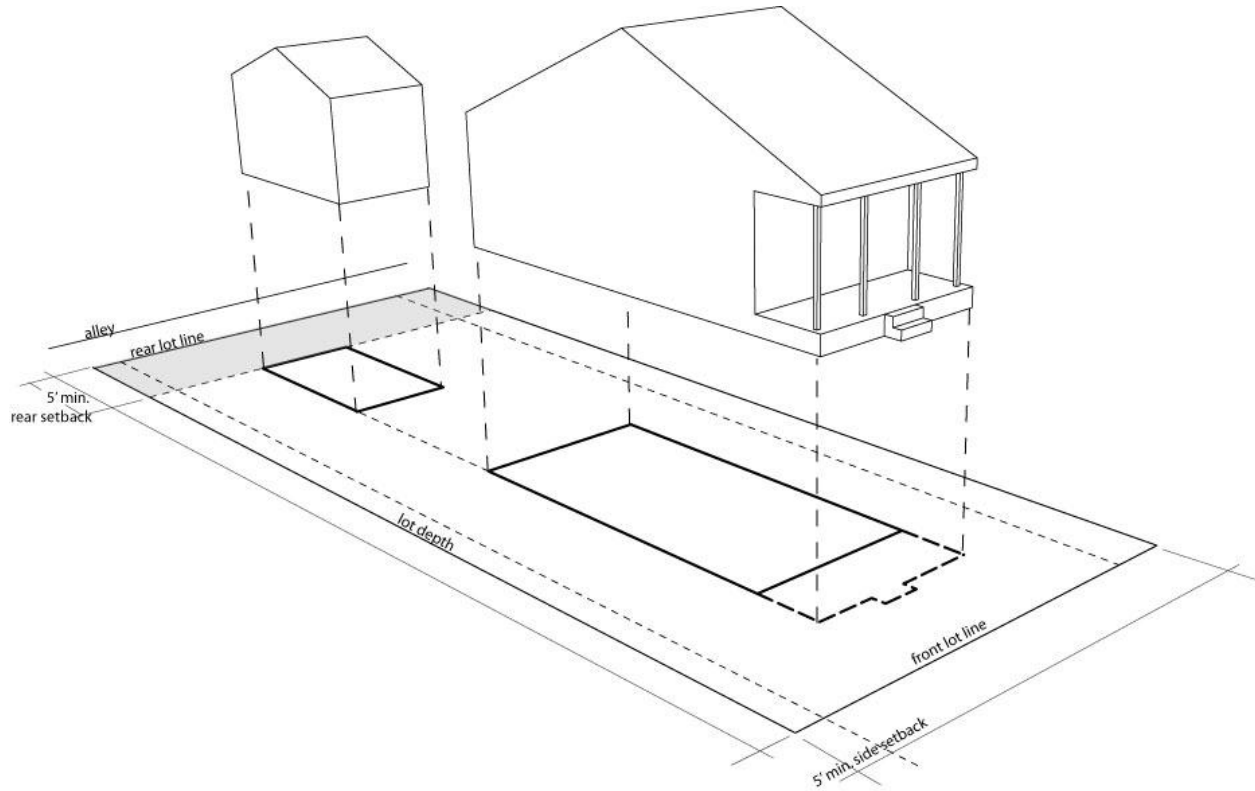
**Figure 2. Illustration for Single Family Attached**

**Required Yards for Single Family  
Attached/Multifamily**

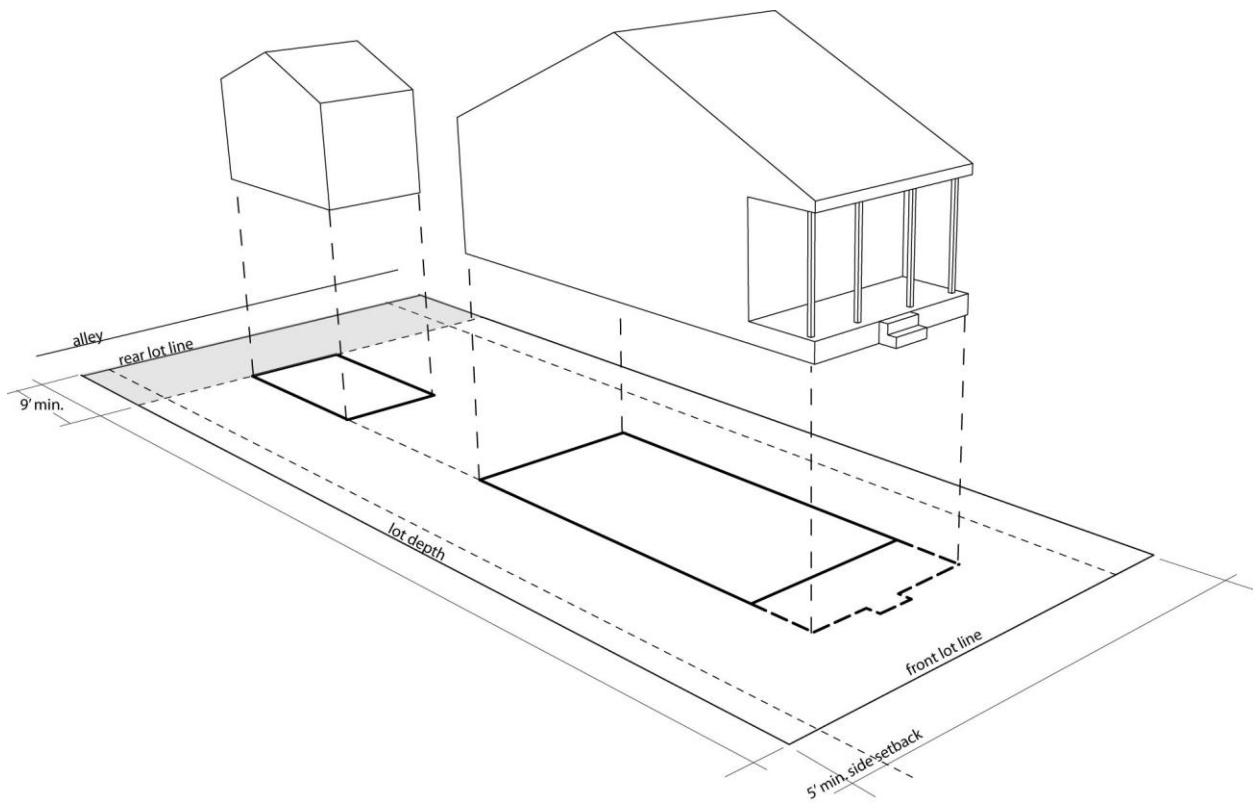
<u>Front</u>	<u>6' min. - 15' max.</u> <u>Neighborhood Core</u> <u>Areas</u>
	<u>10' min - 15' max</u> <u>Residential</u> <u>Neighborhood Areas*</u>
<u>Side</u>	<u>5' min. and not less</u> <u>than 15' for both sides</u> <u>combines</u>
<u>Rear</u>	<u>25' min.</u>

4. Accessory buildings and garages.

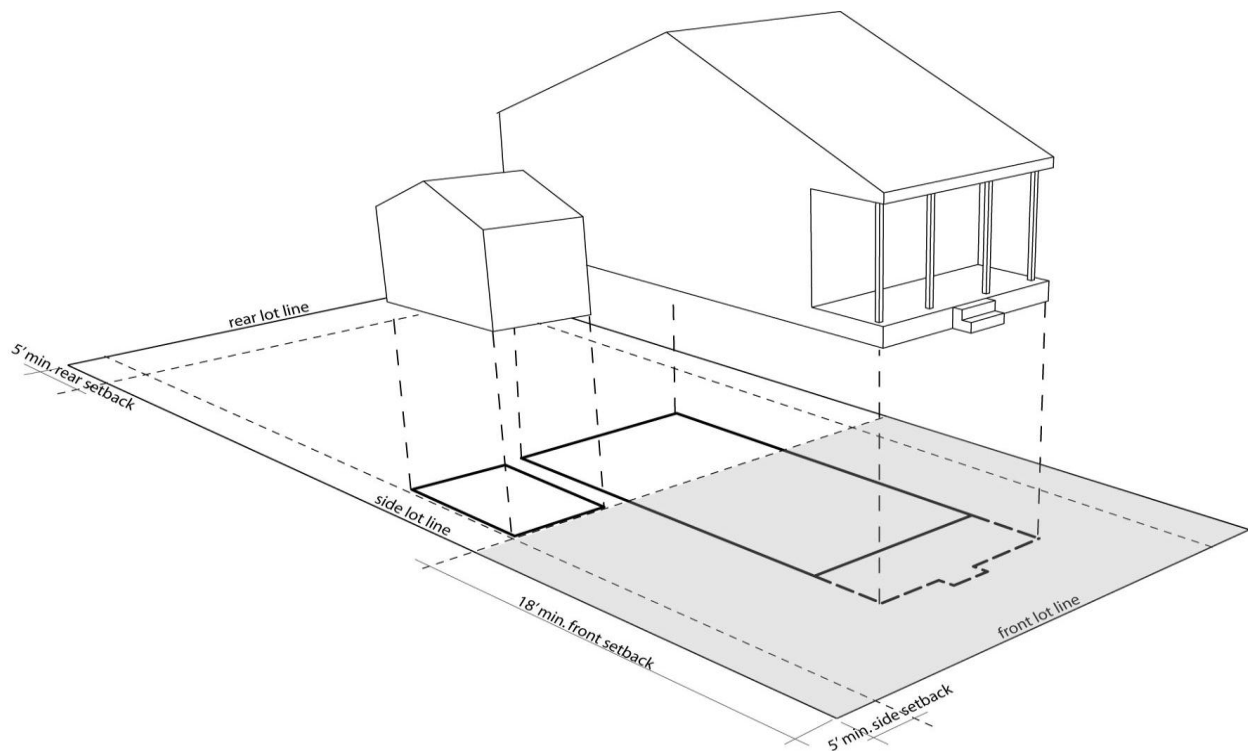
Not closer than five (5) feet to a side or rear lot line; not permitted in front yards. Garages serving single-family detached dwellings and accessed from an alley at the rear of a lot shall be set back a minimum of nine (9) feet from the rear lot line. Garages servicing single-family dwellings and accessed from a street frontage shall be set back a minimum of eighteen (18) feet from the front lot line of the dwelling.



**Figure 3. Minimum Setbacks for Accessory Buildings**



**Figure 4. Minimum Setbacks for Garages Accessed from Rear**



**Figure 5. Minimum Setbacks for Garages Accessed from Street Frontage**

(e) Separation of structures. Groups of single-family attached dwellings and multi-family structures shall be separated from each other by a minimum of fifteen (15) feet.

(7) (ii) Non-residential and mixed use lot and building standards

(a) Minimum lot area for commercial uses: Eight thousand five hundred (8,500) square feet.

(b) Minimum lot width for commercial uses. Forty (40) feet at the minimum front setback line.

(c) Maximum lot coverage for commercial uses. Seventy (70) percent. The areas of contiguous lots may be combined for the purpose of calculating impervious surface requirements.

(d) Required yards for commercial uses.

1. Front.

Minimum: None. A sidewalk of at least eight (8) feet shall be provided along all lot frontages in which the setback is less than fifteen (15) feet.

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

2. Side.

Minimum: None.

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

3. Rear.

Minimum: Thirty-five (35) feet when served by a rear alley; no rear setback required when the rear of the lot also functions as a primary access point for pedestrian traffic.

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

4. Accessory buildings.

Not closer than ten (10) feet to a side or rear lot line; not permitted in front yards.

8. Building Height

(a) Maximum building height. New structures within a PUD-TND shall be no more than 35 feet [3 stories] for single-family residential or duplex uses, or 50 feet [4 stories] for non-residential, multifamily residential, or mixed used structures.

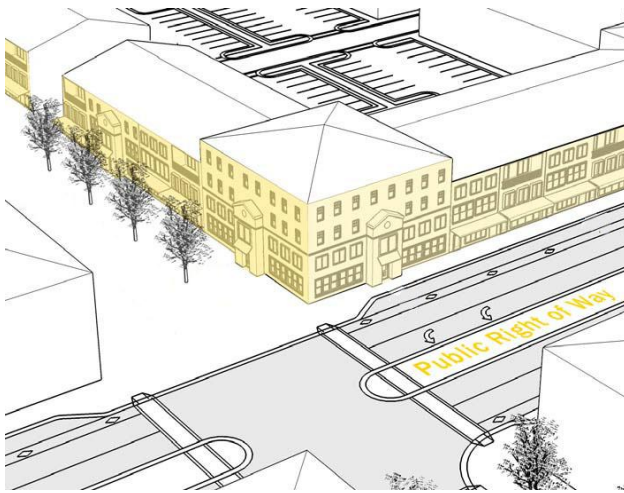
(b) Minimum Building Heights. New Structures located in the PUD-TND Neighborhood Center subarea shall not be less than 2 stories in height unless a waiver is granted by the Board of Supervisors at the time of Rezoning approval.

#### 9. Building Design/Orientation

The illustrations provided in this section are advisory only. Refer to the Code standards for the specific prescriptions of this section.

(a) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

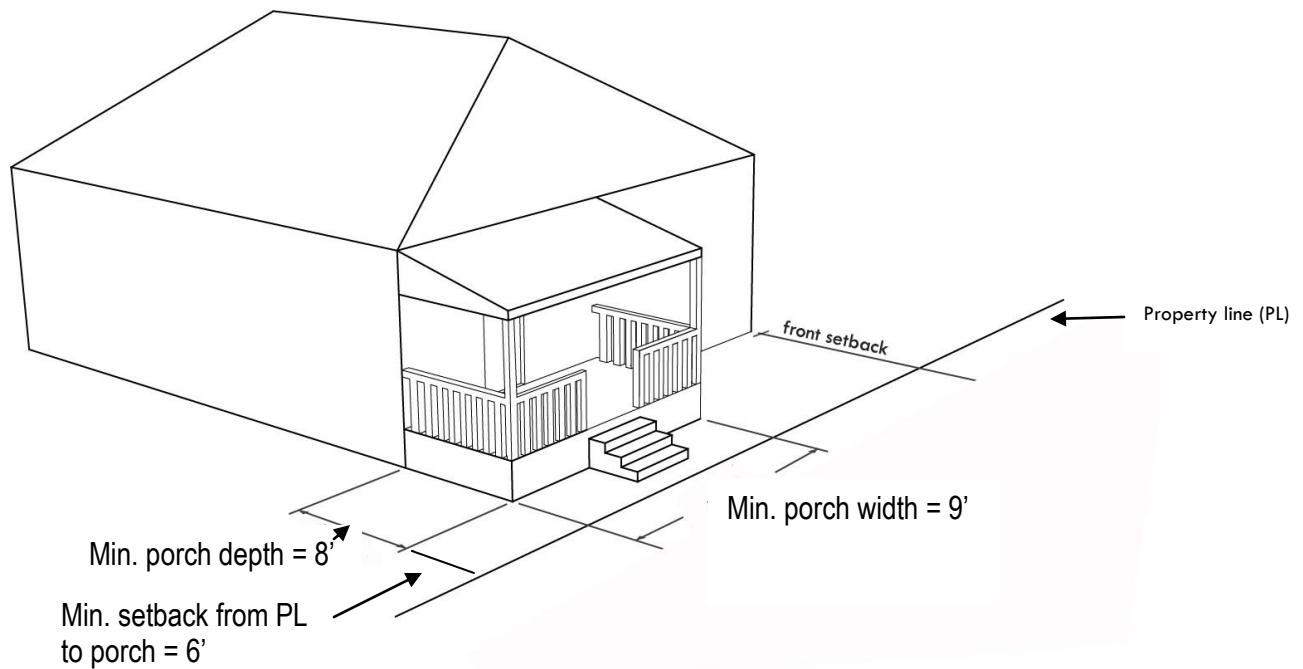
The illustration below is advisory only and is intended to show the intent of the continuation of articulation of a building facade. Refer to the Code standards for the specific standards in this section.



(b) The front facade of the principal building on any lot in a PUD-TND Traditional Neighborhood Development shall face onto a public or private street, plaza, square or green.

(c) Unless a waiver is granted by the Board of Supervisors at the time of rezoning, the front facade of any building shall not be oriented toward a parking lot.

(d) Porches, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences structures in the Residential Neighborhood subarea. Front or sideyard porches of at least eight (8) feet in depth and nine (9) feet in width shall be provided on all single family dwelling units within the Residential Neighborhood subarea. All lots with porches shall be denoted on the preliminary plat sufficiently to meet the standards specified herein. Such features may intrude into required setback areas. Notwithstanding any other provisions (Sec. 10-41), the minimum setback from the front property line to the porch shall be no less than 6 feet.



(e) For non-residential buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the habitable interior space.

(f) New structures on opposite sides of the same street shall be of similar mass, scale and general architectural character. This provision shall not apply to buildings opposite civic uses.

#### 10. Streets, Alleys, Sidewalks, Street Trees, Street Furnishing and Utilities.

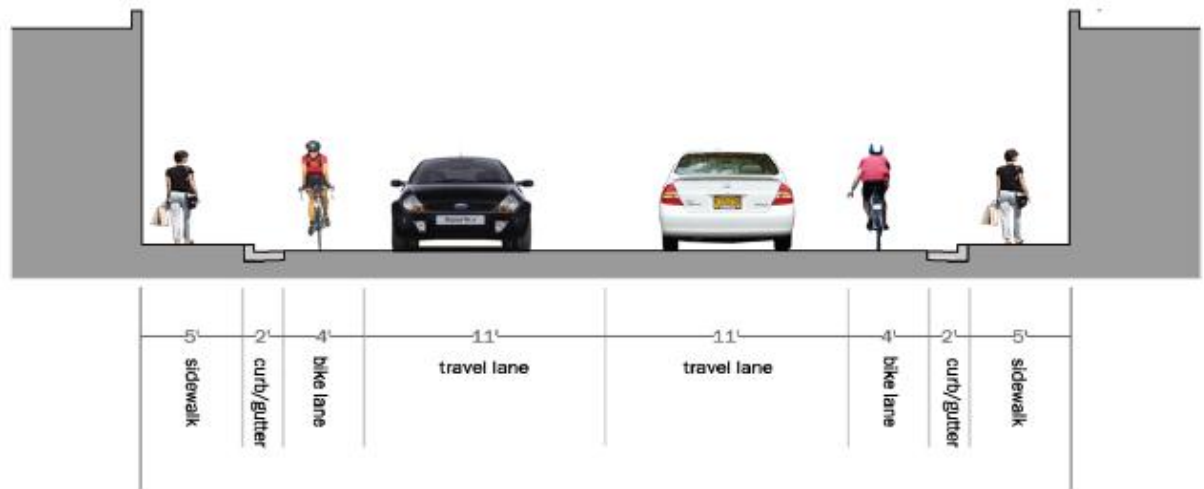
(a) Grid network. The transportation system in the PUD-TND districts shall be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape. Cul-de-sacs shall not exceed ten (10) percent of the total length of streets in the traditional neighborhood district. Alleys are exempt from this calculation.

(b) Block size. Street layouts must provide for rectilinear or curvilinear blocks that are in the range of 200-400 feet deep by 300-600 feet long, measured along the interior edge of the street right-of-way, except in locations where a street must cross areas of steep slopes in excess of ten (10) percent natural grade. In such cases, the Board of Supervisors may approve block perimeter that exceed one of these dimensions so as to reduce the number of streets constructed perpendicular to the steep slopes, and may be curved to follow the topography.

(c) Street design. Street sections in PUD-TND districts shall be designed to serve multiple purposes, including movement of motor vehicle traffic, public transit, pedestrian and bicycle movement, areas for public interaction, definition of public space and sense of place, and areas for placement of street trees, street furniture and landscaping. Streets shall be designed to balance the needs of all users and promote efficient and safe movement of all modes of transportation.

1. Sidewalks shall be provided on both sides of the street in Neighborhood Center and Residential Neighborhood Subareas and separated from the roadway by a planting strip and/or designated parallel parking. In the Neighborhood Center, sidewalks along the public right-of-way shall be a minimum of 10 feet in width. Where outdoor restaurant seating or similar uses are provided on the sidewalk, sidewalks shall be a minimum of 16 feet in width. In all cases, a minimum of five (5) feet clear zone shall be provided. If a planting strip is provided, it shall be a minimum of 6 feet in width.

2. Pedestrian and/or bicycle routes, lanes, or paths shall be provided to connect all uses and reduce motor vehicle use. Street design shall provide for the safety of pedestrians and bicyclists. Separate bicycle lanes shall be a minimum of four (4) feet in width.



**Figure 6. Illustrative diagram showing how bicycle and pedestrian facilities can be accommodated safely within a roadway.**

3. Streetscape or pedestrian amenities, such as street trees, bulb-outs, benches, landscape elements, and public art shall be provided to contribute to the area's streetscape environment.

(d) Lot Access. All lots shall front on a public or private street or on a square or plaza. Alleys shall serve only the rear or sides of lots or uses.

(e) Private Street/Alleys. Privately owned and maintained streets or alleys may be permitted in a PUD-TND district if approved by the Board of Supervisors. Such private streets and alleys are permitted to serve multiple lots and uses. Private streets and alleys shall be maintained by the property owners association. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement. In addition, privately owned and maintained streets may be approved provided:

- 1) All parking is off-street and designated areas of off-street parking are provided that are in excess of and complementary to private driveways;
- 2) A plan is submitted and approved for school bus pick up and drop off areas for property owners abutting the private street;

- 3) A plan is submitted and approved for emergency access, snow clearance and postal delivery for all property owners abutting the private street;
- 4) The private streets are developed to a pavement section equal to VDOT standard for the projected traffic volume and to a geometric standard meeting county requirements.
- 5) The minimum width of the streets is eighteen (18) feet or wider exclusive of any on-street parking based on the projected vehicle trips per day for the streets. Dead end alleys are not permitted unless approved by the Board of Supervisors through a waiver approved at the time of rezoning, but in no circumstances shall an alley have a dead end length of over 100'. Dead-end alleys shall have hammerhead turnarounds.
- 6) The right-of-way for all private streets shall be dedicated to the PUD-TND homeowners association; and
- 7) Deeds for property abutting the private street must state that the street is private and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county it must be at no cost to the state or county and the association shall pay the full cost to bring the street up to state standards.

(f) Street Trees: Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance (10-43). Where applicable, street trees shall be placed within the roadway median according to the standards established in Sec. 10-43 unless VDOT standards would prohibit otherwise. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the Neighborhood Center area and other areas subject to heavy foot traffic, shall be protected using design measures (such as tree grates) to protect the tree root system. Street trees shall be planted along all streets at an average center to center spacing based on the mature spread of the particular street tree.

(g) Pedestrian scale lighting. Pedestrian scale decorative street lights (10' to 15' in height) shall be installed with a maximum average spacing of 75 feet on center on each side of the street and travel lanes within all areas of the district.

1. In order to minimize light pollution, light shall be directed downward to the immediate area being lighted and away from any living quarters.
2. Street lights shall be dark sky compatible. Lighting shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
3. Floodlights or directional lights (maximum 100-watt metal halide bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other lots, the street, or direct light out of the TND.
4. Floodlighting shall not be used to illuminate building walls (i.e. lights should not be placed on the ground so that a beam of light is directed upward).
5. Site lighting shall be of a design and height and shall be located so as to illuminate only the lot.
6. No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or long-term duration.

(h) Street furnishings shall include but not be limited to decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features in the Neighborhood Center subarea

(i) Utilities. -Unless a waiver is granted by the Board of Supervisors at the time of rezoning, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located to the rear of properties in alley ROWs or the ROW of minor streets and not along the streetscape frontage.

11. Parking. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the Parking Standards of this Ordinance.

(a) On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

(b) On-street parking shall be provided on streets abutting squares, small parks or other open spaces in the Neighborhood Center.

(c) Parking lots with over 24 spaces and parking garages shall be located to the rear of buildings and shall not abut any public street.

(d) Adjacent parking lots shall have vehicular connections from an alley or private street.

(e) Parking for retail and service uses in the Neighborhood Center shall not require on-site parking provided that: (1) the required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed twenty-five hundred (2500) square feet of gross floor area; and (3) such uses are restricted to Retail and multi-family areas. On-street parking located within 600 feet may count toward any minimum parking requirements.

(f) Parking areas for shared or community use should be encouraged and shared parking reductions will be considered in accordance with section 10-44.

(g) Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

12. Landscaping and Buffering. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with the Landscaping and Screening Standards of this Ordinance.

Definitions. For purposes of this section only, the following definitions shall apply:

(1) Alley: A private right-of-way, not less than eighteen (18) feet nor that provides secondary and/or service access for vehicles to the side or rear of abutting properties having principal frontage on another street or on a plaza, square or green.

(2) Natural Area/Preserve: Preserve means open space that preserves or protects endangered species, a critical environmental feature, or, other natural feature. Access to a Preserve may be controlled to limit impacts on the environment. Development of the Preserve is generally limited to trails, educational signs, and similar improvements.

(3) Square/Plaza: Square/Plaza means open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape

consisting of durable pavement and formal tree plantings. A Square/Plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

(4) Park: Park means an open space, available for recreation, its landscape consisting of paved paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural, or formally landscaped areas.

(5) Green: Green means an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A Green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

**Additional Development Plan Information required for PUD-TND applications.**

The applicant shall submit a development plan of sufficient detail to demonstrate to the county that the proposal meets all size and dimensional requirements, which shall show:

(a) The location and extent of and allocation of land to the following areas:

- 1 The Neighborhood Center Subarea
2. Residential Neighborhood Subareas
3. Open Space Areas

(b) The general location of all streets, alleys and parking areas in each sub-area.

(c) The maximum gross and net densities, as defined herein, including dwelling unit types and lot sizes, of residential uses in each area of the development and for the entire development.

(d) The maximum gross square feet of non-residential uses in each area of the development and for the entire development along with an indication of the location of mixed use structures.

(e) The minimum area of civic uses, including parks, greens, squares and other public sites.

(f) The general design and layout of streets, utilities, and stormwater management facilities, including:

1. Drawings of typical street cross-sections
2. Schematic sections through the buildings that front the streets
3. Detailed concept plan at 1 inch = 200 feet showing the general configuration of building footprints (residential buildings can be shown with typical prototypes and lot configurations for each dwelling type and street condition)
4. Conceptual design for parking areas and streetscape features

5. Conceptual design of the stormwater management system
6. Conceptual layout of proposed lot pattern for subdivision
7. Conceptual layout of streets, sidewalks, trails, bicycle facilities
8. A survey of the overall project perimeter boundary.

(g) Natural and other open space areas.

(h) Design guidelines for typical lots, buildings and structures; including an indication of which residential structures will have porches.

(i) Adjacent land uses and adjacent zoning.

(j) Vicinity maps at no less than 1 inch = 2,000 feet scale.

(k) A conceptual phasing plan showing the location, sequence, and relative timing of development of land uses, streets and utilities, including:

1. Location, acreage, number, and unit type of residential dwellings for each phase
2. Location, number and type of non-residential acreage and building square feet for each phase
3. Location, amount and type of streets for each phase
4. Location and size of pedestrian and bicycle pathways
5. Location, amount of sewer and water facilities for each phase
6. Location, size and type of stormwater management facilities for each phase
7. And, if the property is located in the for Expansion Area Overlay District (177 Corridor) Route 177 corridor, an assessment of Level of Service Standards and Adequate Public facilities as outlined in the Comprehensive Plan.
8. Proposed landscaping

All of the above features may be adjusted by the applicant during the course of site plan and subdivision approvals, and construction, but must be in substantial conformance to the approved conceptual phasing plan, unless a zoning map amendment is requested and approved, subject to the procedures of section \_\_\_\_ of this chapter.

### **Sec. 10-32.1. Traditional Neighborhood Development Infill District**

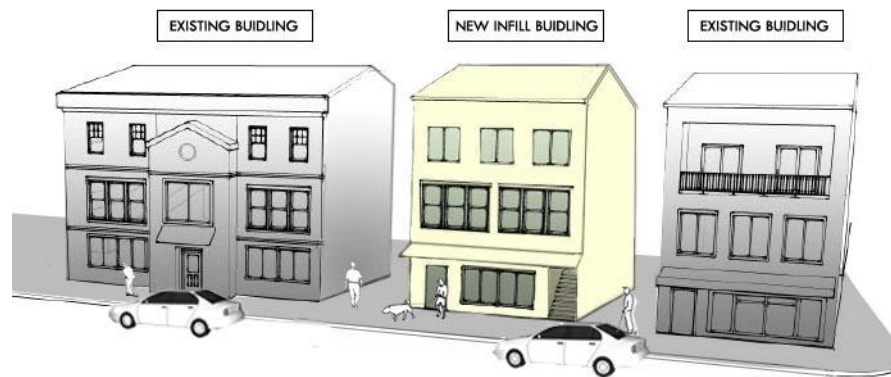
*Purpose:* The Traditional Neighborhood Development Infill (TND-I) district is intended to enhance and complement existing communities and villages by integrating new uses and structures into the existing community fabric, encouraging reuse and revitalization of existing structures, strengthening connections within communities to improve walkability and expand traditional, human scale, pedestrian oriented neighborhoods, and provide a strong orientation to transit service. This district provides flexible development standards for infill parcels so that properties can be developed in a way that is compatible with adjacent properties in historic communities, to help create a "complete" walkable and transit-friendly community with housing, jobs, services, civic uses and open space. The district is intended to implement specific comprehensive plan recommendations for the County's Villages, Village Expansion Areas, and

Urban Expansion Areas and Urban Development Areas to promote the redevelopment of older, historic areas.

(1) The objectives of the TND-Infill District are to:

- a. Build upon the historic development patterns in existing village and community centers to create attractive, walkable neighborhoods;
- b. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;
- c. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods so that residents can walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school;
- d. Provide incentives to develop larger parcels at higher densities and to consolidate smaller parcels to encourage coordinated development and fewer access points on public roads.
- e. Make public transit a viable alternative to the automobile by organizing appropriate building densities
- f. Encourage a high level of design quality throughout the district
- g. Stimulate economic investment in older established communities.

The illustration below is advisory only and is intended to show the intent of infill development for this District. Refer to the Code standards for the specific standards in this section.



**Figure 1. Example showing how intent of infill development in the TND-I District.**

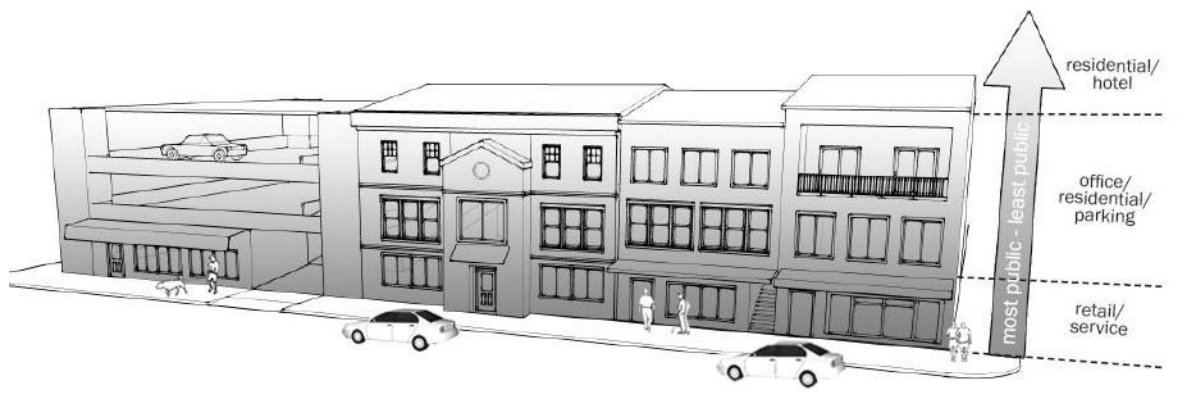
(2) Qualifying lands. Lands qualifying for inclusion in the TND-I district shall be tracts located in areas mapped as Urban Development Areas, Urban Expansion Areas, Villages and Village Expansion Areas in the Comprehensive Plan and that are generally served by, or planned for, public sewer and water service. If the proposed development will require public sewer and water service, the applicant must demonstrate to the satisfaction of the Board of Supervisors that there is sufficient available sewer and water capacity to accommodate the proposed development at full build out and/or provide a plan demonstrating that such

improvements will be phased to accommodate projected development as it occurs (see also rezoning and submission requirements Sec 10-54).

(3) *Area Requirements.* The area required for a Traditional Neighborhood Infill TND-I district shall not be more than ten (10) acres since this district is targeted at undeveloped or underdeveloped lots in established communities rather than creating new communities. The tract of land to be developed shall be under single ownership, or shall be the subject of an application filed jointly and subject to a single concept plan.

(4) *Mix of Uses.* A mix of uses is encouraged in Villages, Village Expansion Areas, Urban Development Areas and Urban Expansion Areas. However, the land uses proposed for any individual tract subject to development under the provisions of the TND-I district shall be evaluated to ensure that the proposed use(s) are in substantial conformance with specific Comprehensive Plan policies and recommendations applicable to the site. Mixed Use structures or sites are permitted but only for a combination of neighborhood commercial uses and residential uses.

The illustration below is advisory only and is intended to show the intent of a Mixed Use Structure in this District. Refer to the Code standards for the specific standards in this section.



**Figure 7. Example showing how uses can be mixed vertically within an individual structure.**

(5) *Development Density:* The permitted maximum and minimum development densities in the TND-I district shall conform to density guidelines established in the Comprehensive Plan as follows:

1. In areas designated in the Comprehensive Plan as, Village, or Village Expansion areas, gross residential densities shall not exceed three (3) dwelling units per acre. In areas designated in the Comprehensive Plan as Urban Expansion Areas, and Urban Development Areas gross residential densities shall not exceed twelve (12) dwelling units per acre.

2. In areas designated in the Comprehensive Plan as, Village, or Village expansion areas, non-residential gross floor area ratios shall not exceed 0.25 F.A.R. In areas designated in the Comprehensive Plan as Urban Expansion Areas, Urban Development Areas non-residential gross floor area ratios shall not exceed 0.40 F.A.R.
3. For non-residential or mixed use development less than 1 acre, higher densities may be approved by the Board of Supervisors to promote redevelopment.
4. Accessory dwelling units (as defined in Sec. 10-41) shall not be included in the calculation of residential density.

(6) Permitted Traditional Neighborhood Infill District Uses by Category:

1. Commercial uses.

- a. Retail Sales and Services, no larger than 10,000 square feet in size
- b. Convenience stores and general stores without fuel sales
- c. Restaurants and outdoor seating associated with Restaurants subject to the provisions of Sec. 11.d, below
- d. Financial Services
- e. Office, administrative, business or professional, less than 20,000 square feet in size, and no more than 10,000 square feet per floor plate.
- f. Day Care Center
- g. Parking areas that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
- h. Funeral Home
- i. Medical Care Facility
- j. Mixed Use Buildings (integrated horizontally or vertically) which include residential and commercial uses.
- k. Laundromat
- l. Printing Services

2. Residential uses.

- a. Single-family detached and attached dwellings, including duplexes, townhouses, row houses;
- b. Accessory dwelling units (as defined in Sec. 10-41) associated with single family dwellings;
- c. Live/work units that combine a residence and the resident's workplace
- d. Home occupation

3. Civic or institutional uses.

- a. Municipal offices, fire stations, libraries, museums, community meeting facilities, community centers, and post offices;

- b. Transit shelters;
- c. Civic club
- d. Church
- e. Open Space

(7) Uses permitted by special use permit. Any of the following uses permitted by special exception may be approved as part of the initial development plan at the time of rezoning; however, the board of supervisors may impose conditions on such uses even if approved as part of the initial development plan.

- a. Retail Sales and Services, above 10,000 square feet and no larger than 20,000 square feet in size
- b. Multifamily dwellings, including senior housing;
- c. Nursing Home, Congregate Care Facility, and assisted living facilities.
- d. Farm Market
- e. Hotels and Motels
- f. Conference or training center
- g. Home Business
- h. School
- i. Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear or side of the structure and do not conflict with pedestrian travel ways. In no case shall the drive through lane or window abut or face a public street.
- j. Transition House

(8) Lot and Setback Standards:

(i) Residential lot and building standards

(a) Lot standards for residential uses.

Single-family detached dwellings: Minimum Five thousand (5,000) square feet, Maximum Ten Thousand (10,000) square feet.

Single-family attached dwellings:  
Minimum Fifteen hundred (1,500) square feet; Maximum of eight (8) single-family attached dwelling units connected together in one (1) group of units

Duplex dwellings: Minimum three thousand (3,000) square feet

Multi-family structures:  
Eight thousand five hundred (8,500) square feet;

(b) Minimum lot width for residential uses.

Single-family detached dwellings: Forty (40) feet.

Duplex dwellings: Eighty (80) feet.  
Single-family attached dwellings: Eighteen (18) feet.  
Multi-family structures: Eighty (80) feet

(c) Maximum lot coverage. Eighty-five (85) percent.

(d) Required yards for residential uses.

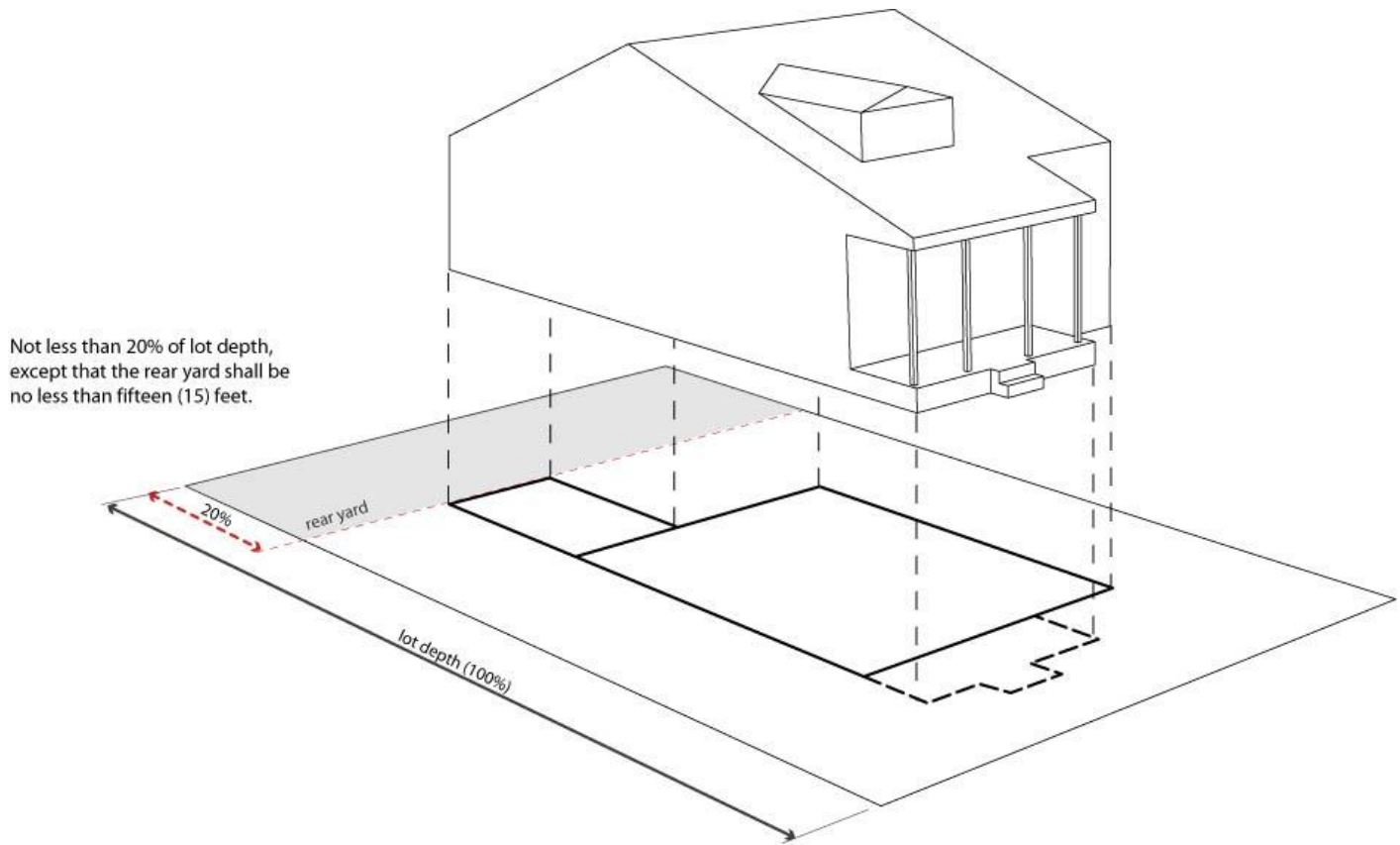
1. Front: Front yard setbacks for new residential uses shall be established based on the setbacks of existing residential uses on the same block as follows:

- a. The average of the front yard setbacks of new residential dwellings shall not vary more than three (3) feet from the average front yard setbacks of the existing residential dwellings located on either side of the proposed lot.
- b. The average front setback of existing residential dwellings shall be established based on the 3 existing lots on each side of the lot in question, along the same block face as the lot in question. In cases where the 3 existing lots extend more than 300 feet from the proposed lot, the average setbacks shall only be calculated within 300 feet of the proposed lot.
- c. If any of the 3 existing lots on each side of the proposed lot are more than twice the size of the proposed lot, they shall not be used to calculate average existing setbacks.
- d. In cases where there are no existing residential dwellings on each side of the proposed lot, the front setback shall be no less than ten (10) feet and no more than twenty (20) feet.
- e. In no case shall the front setback less than ten (10) feet. Notwithstanding any other provisions (Sec 10-41), the minimum setback from the front property line to the porch shall be no less than six (6) feet.
- f. In the case of a corner lot, the required front yard will be determined by the prevailing building pattern, and shall be established using the average setbacks of 3 existing lots located directly adjacent to and along the same block face from the lot in question following the provisions outlined above.

2. Side: Side yard setbacks for new residential uses shall be established based on the setbacks of existing residential uses on the same block as follows:

- a. The average of the side yard setbacks of new residential dwellings shall not vary more than two (2) feet from the average side yard setbacks of the existing residential dwellings located on either side of the proposed lot.
- b. The average side setback of existing residential dwellings shall be established based on the 3 existing lots on each side of the lot in question, along the same block face as the lot in question. In cases where the 3 existing lots extend more than 300 feet from the proposed lot, the average setbacks shall only be calculated within 300 feet of the proposed lot.

- c. If any of the 3 existing lots on each side of the proposed lot are more than twice the size of the proposed lot, they shall not be used to calculate average existing setbacks
- d. In cases where there are no existing residential dwellings on each side of the proposed lot, the side setback shall be no less than eight (8) feet.
- e. In no case shall the side setback less than eight (8) feet.



**Figure 3. Calculating Rear Yard Setbacks.**

3. Rear. The Rear Yard Setback shall be not less than 20% of the total lot depth, except that the rear yard shall in no case be no less than fifteen (15) feet.

4. Required Setback for accessory buildings and garages shall not be closer than five (5) feet to a side or rear lot line; accessory buildings and garages shall not permitted in front yards.

(ii). Lot standards for Non-Residential Uses and Mixed Use Buildings.

(a) Lot standards for Non-residential Uses and Mixed Use Buildings.

Minimum Lot Size: Five thousand (5,000) square feet.

(b) Minimum Lot Width for Non-residential Uses and Mixed Use Buildings:  
forty (40) feet.

(c) Maximum lot coverage. Ninety (90) percent.

(d) Required yards for commercial uses.

1. Front.

Minimum: None. A minimum eight (8) foot wide sidewalk shall be provided along all lot frontages in which the setback is less than fifteen (15) feet.

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

2. Side.

Minimum: None, unless adjacent to a residential structure in which case a minimum setback of ten (10) feet' shall be required.

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

3. Rear.

Minimum: None

Maximum: None; however, all building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

4. Accessory buildings. Required Setback for accessory buildings and garages shall not be closer than five (5) feet to a side or rear lot line; accessory buildings and garages are not permitted in front yards.

(iii). Modification of lot size, lot width standards, setbacks, and yard requirements.

Minimum requirements for lot size, setbacks, yards and other lot standards shall conform with subsection 8 of the TND- I districts, unless otherwise specifically modified by the approved concept development plan at the time of zoning approval. Modifications may be approved by the Board of Supervisors at the time of concept plan approval, provided that they do not:

1. Impair safety from the standpoint of fire and rescue access to properties;
2. Increase danger or probability of accidents involving vehicles and/or pedestrians;
3. Be done with the major purpose to decrease development costs;
4. Be done when the effect is to decrease privacy, adequacy of light and air, or buffering beyond base district regulations' effects; and
5. Result in a modification greater than 20% of the existing requirement.

(9) Lot Access. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements (Sec. 8-152 of the County Code). Where parking is located to the rear of a building, parking areas may be accessed via an alley.

(10) Building Height

(a) Maximum Building Height. New single family and single family attached (including duplexes and townhouses) shall be no more than 35 feet [3 stories], or 45 feet [4 stories] for non-residential, multifamily residential, or mixed used structures.

(b) Minimum Building Heights. New Non-Residential, Multi-Family and Mixed Use Buildings shall not be less than 2 stories unless a waiver is granted by the Board of Supervisors at the time of rezoning approval.

(11) Additional Provisions for Non-Residential Uses:

(a) Ground floor residential is not permitted in Mixed Use Buildings.

(b) The footprint of the ground floor of a non-residential building, mixed use or multi-family building shall not exceed 10,000 square feet.

(c) Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.

(d) Where outdoor seating areas are proposed, a minimum sidewalk width of five (5) feet must be maintained between the limits of the outdoor seating area and the roadway edge of the sidewalk.

(12) Site and Building Design:

(a) Architectural Standards

All development (residential and non-residential) shall be of a compatible design with residences located on the same block and shall follow these design standards:

1. Building materials shall be of siding, brick, stone or other materials that are similar in color and otherwise in common with other buildings located on the same block face.

2. Buildings shall provide offsets, projections, and or recessed entries located at least every 30 feet along a facade facing a public street.

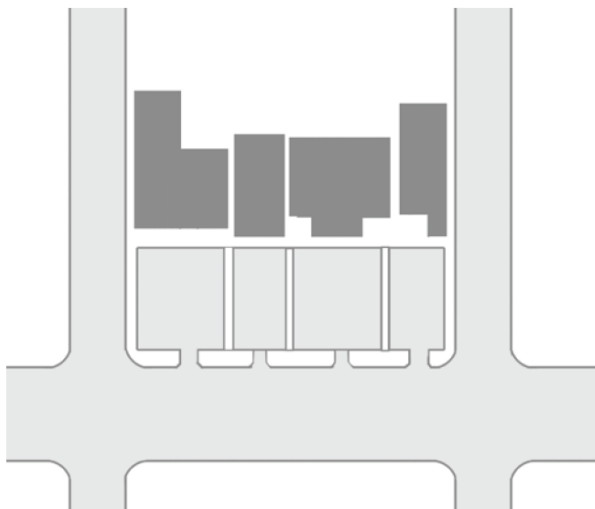
3. Building size, height, bulk, mass, scale shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm along the same block face as the proposed development.

4. Buildings shall use at least three of the following design elements along the facades facing public streets, provided that the design elements do not conflict with the provisions of Section 10-41(7):

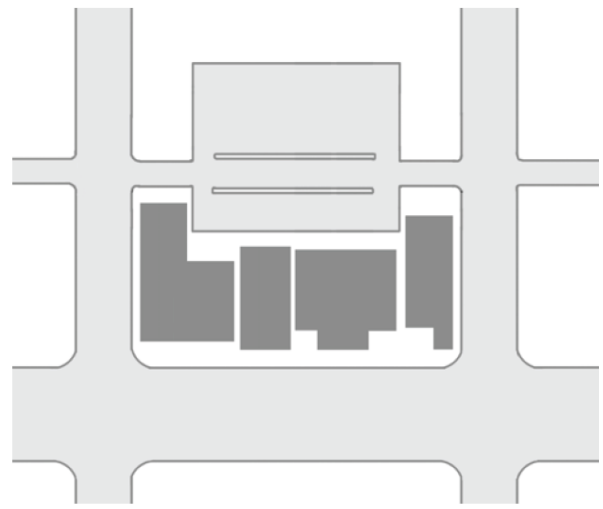
- a) Dormers
- b) gables (pitch not less than 4:12)
- c) recessed entries
- d) covered porch entries
- e) cupolas
- f) pillars or posts
- g) bay or bow window (minimum 12 - inch projection)
- h) eaves (minimum 6 - inch projection)
- i) off-sets in building face or roof (minimum 16-inches)

(b) Site Design – Non-Residential, Mixed Use and Multi-Family Units

- 1) Parking areas shall be located to the rear of non-residential, mixed use or multifamily buildings;



Not permitted: parking areas in front of non-residential, mixed use or multi-family buildings



Required: parking areas to the rear of non-residential, mixed use or multi-family buildings

**Figure 4. Location of Parking Areas.**

- 2) Street level frontage of commercial buildings shall be devoted to entrances, shop windows or other displays;
- 3) Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district;
- 4) Crosswalks shall be incorporated within the project, at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections as approved by the County, VDOT or the County's designee.

Crosswalks shall be designed to be an amenity to the development, e.g. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian designs may be used to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians;



**Figure 5. Bulb-outs and crosswalks.**



**Figure . Crosswalk and Median Refuge.**

- 5) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;



**Figure 7. Example of landscaping as a transitional feature between residential and commercial developments.**

- 6) Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet;
- 7) Adequate access for loading and emergency vehicles is maintained on one side of the building; and
- 8) For corner lots, the front of the lot will be determined by the prevailing building pattern, and the front façade of proposed development shall be located along the street frontage that has the majority of front facades within the block on which the subject property is located.

### (c) Parking Standards

- 1) Parking and loading spaces shall be provided as required in section 10-44 except that on-street as well as off-street parking spaces may be counted toward satisfying the requirements.
- 2) On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use. All required handicapped parking spaces shall be provided off-street.
- 3) Parking requirements provided in section 10-44 may further be reduced upon approval by the zoning administrator of an acceptable mass transportation or alternative transportation plan that adequately documents a reduced need for parking by demonstrating that potential visitors to the site, including residents, employees and customers will be using mass transportation or alternative transportation to visit the site.
- 4) Required off-street parking spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the administrator. The amount of such combined space shall equal the sum of the amounts required for the separate uses, provided, however, that the administrator may reduce the total number of spaces if the administrator determines that some or all of the spaces may serve two (2) or more uses by reason of the daily hours of operation or seasonal activity of such uses. Shared parking shall be permitted upon approval by the zoning administrator of a shared parking plan prepared and submitted by the applicant. Upon approval, such a shared parking plan shall result in a reduction in the total amount of required parking, in an amount determined at the time of approval of the rezoning application or by the zoning administrator.
- 5) Off-street parking and loading spaces shall be located behind principal structures and may be served directly or indirectly by alleys.
- 6) Parking lots or garages must provide not less than one bicycle parking space for every ten (10) motor vehicle parking spaces.

(13) Additional Submittal Requirements:

(a) In addition to all county submittal requirements outlined in this ordinance, an applicant wishing to rezone to this district will be required to submit a property survey, as prepared by a Licensed Surveyor, showing clearly and accurately all property lines, easements, encumbrances and all existing structures on the property. The survey must have been completed within five (5) years of the time of the application for rezoning, or since any modification to the property, whichever is sooner. If no such survey exists, the required fees for the rezoning application may be reduced by the Zoning Administrator to offset a portion of the cost of the property survey.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	William H. Brown
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		

## NEW BUSINESS

		A-FY 12-01			
		APPROPRIATION OF THE			
		FY 2011-2012 Budget			
On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,					
BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2012 be and the same is hereby made effective July 1, 2011 for the organizations indicated on the attached listing.					
BE IT FURTHER RESOLVED, The Treasurer is herby authorized to make the necessary transfers between funds as required to keep expenditure account appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.					
BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary wire transfer, as appropriate.					
<b>EXPENDITURE ACCOUNTS TO BE APPROPRIATED</b>					
<b>1.</b>	<b>02 GENERAL FUND</b>				
	100	Board of Supervisors	\$	250,915	
	110	County Administration		1,458,278	
	120	County Attorney		240,274	
	130	Financial and Management Services		916,882	
	132	Insurance		287,596	
	140	Information Technology		1,257,070	
	150	Commissioner of Revenue		562,405	
	152	Assessment - 100% County		354,468	
	160	Treasurer		546,372	
	162	Collections - 100% County		285,591	
	170	Registrar		280,221	
	180	Internal Services		273,998	
	200	Commonwealth Attorney		970,564	

	210	Circuit Court		162,194
	220	General District Court		29,347
	230	Juvenile and Domestic Relations Court		20,524
	240	Magistrate		5,000
	250	Circuit Court Clerk - 100% County		635,712
	310	Sheriff-Co/State Support		6,572,613
	320	Sheriff-County Support		5,155,962
	330	Fire and Rescue		1,152,391
	400	General Services		4,932,952
	510	Comprehensive Services Act		1,651,969
	520	Human Services		388,928
	530	Public Health		431,313
	540	Social Services		6,617,914
	700	Parks and Recreation		790,018
	710	Regional Library		1,716,631
	800	Planning and GIS		597,120
	810	Economic Development		363,785
	900	Revenue Refunds		164,106
	910	Other Agencies		1,262,822
	950	General Contingencies		371,400
	960	Contingencies - Special		303,596
	990	Adjustments for Internal Services		(91,700)
		<b>TOTAL GENERAL FUND</b>	<b>\$</b>	<b>40,919,231</b>

<b>2.</b>	<b>03</b>	<b>LAW LIBRARY FUND</b>		
	03	Law Library	<b>\$</b>	<b>17,600</b>
<b>3.</b>	<b>09</b>	<b>SCHOOL OPERATING FUND</b>		
	610	Instruction		70,462,532
	620	Administration, Attendance, and Health		3,636,629
	630	Pupil Transportation		4,381,829
	640	Operations and Maintenance		12,789,089
	650	Other Non-Instructional Operations		10,724
		<b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$</b>	<b>91,280,803</b>
<b>4.</b>	<b>11</b>	<b>SCHOOL CAFETERIA FUND</b>	<b>\$</b>	<b>3,880,810</b>
<b>5.</b>	<b>12</b>	<b>COUNTY CAPITAL FUND</b>	<b>\$</b>	<b>700,000</b>
<b>6.</b>	<b>18</b>	<b>DEBT SERVICE FUND</b>	<b>\$</b>	<b>18,100,690</b>
<b>7.</b>	<b>40</b>	<b>REVENUE STABILIZATION FUND</b>	<b>\$</b>	<b>500,000</b>
<b>GRAND TOTAL EXPENDITURES</b>			<b>\$</b>	<b>155,399,134</b>

The source of funds for the foregoing appropriation is as follows:				
		<b><u>ESTIMATED RESOURCES</u></b>		
1.		<b>GENERAL FUND</b>		
	A.	REVENUE		
		General Property Taxes	\$	68,998,536
		Other Local Taxes		9,786,101
		Other Undesignated Revenue		732,685
		Resources Designated by Department		14,640,085
		<b>Subtotal</b>	<b>\$</b>	<b>94,157,407</b>
	B.	OTHER		
		Transfers to School Operating Fund:		(36,414,191)
		Transfers to Debt Service Fund		(15,623,985)
		Transfers to County Capital Fund		(700,000)
		Transfers to Revenue Stabilization Fund		(500,000)
		<b>Subtotal</b>	<b>\$</b>	<b>(53,238,176)</b>
		<b>TOTAL GENERAL FUND RESOURCES:</b>	<b>\$</b>	<b>40,919,231</b>
2.		<b>LAW LIBRARY FUND</b>		
	A.	REVENUE	\$	15,000
	B.	USE OF FUND BALANCE		2,600
		<b>TOTAL LAW LIBRARY FUND RESOURCES</b>	<b>\$</b>	<b>17,600</b>
3.		<b>SCHOOL OPERATING FUND</b>		
	A.	REVENUE	\$	54,603,351
	B.	FUND BALANCE		263,261
	C.	TRANSFER FROM GENERAL FUND		36,414,191
		<b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$</b>	<b>91,280,803</b>
4.		<b>SCHOOL CAFETERIA FUND RESOURCES</b>	<b>\$</b>	<b>3,880,810</b>
5.		<b>COUNTY CAPITAL FUND RESOURCES</b>	<b>\$</b>	<b>700,000</b>

6.	DEBT SERVICE FUND			
	A.	INTEREST REVENUE	\$	846,022
	B.	FUND BALANCE		175,000
	C.	TRANSFER FROM SCHOOL CAPITAL		1,455,683
	D.	TRANSFER FROM GENERAL FUND		15,623,985
	TOTAL DEBT SERVICE FUND		\$	18,100,690
7.	REVENUE STABILIZATION FUND RESOURCES		\$	500,000
GRAND TOTAL ALL RESOURCES			\$	155,399,134
The vote on the foregoing resolution was as follows:				
<u>AYE</u>		<u>NAY</u>	<u>ABSENT</u>	
John A. Muffo		None	William H. Brown	
Gary D. Creed				
Annette S. Perkins				
Mary W. Biggs				
Doug Marrs				
James D. Politis				

**A-FY-11-109**  
**COMPREHENSIVE SERVICES ACT**  
**SUPPLEMENTAL APPROPRIATION AND**  
**TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

510	Comprehensive Services Act	\$28,592
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$28,592
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$11,408)
-----	-----------------------	------------

TO:

510	Comprehensive Services Act	\$11,408
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Said resolution appropriates and transfers funds to equal the allocation from the state for the Comprehensive Services Act.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
Annette S. Perkins		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported on the following:

- Redistricting – The Virginia Department of Justice approved Montgomery County's redistricting plan.
- Appreciation to the Blacksburg and Christiansburg Fire Departments for their timely response to the fire at the new Courthouse.
- Joint meeting with the School Board on Thursday, June 23, 2011 to discuss PPEA.
- Joint meeting with the Town of Blacksburg and Town of Christiansburg on August 29, 2011.
- The first class for the Montgomery-Christiansburg Citizens Academy is scheduled to begin August 1, 2011. This will be a six-week course to overview different areas of the government.
- National Association of Counties (NACo) Achievement Awards: Montgomery County is the recipient of two NACo Achievement Awards and one NACo Information Officers Excellence Award. The NACo Awards were given for the Montgomery-Floyd Regional Library for its Sharing America Series and the Financial & Management Services Department for the New River Valley Joint Budget process. The Public Information Office received the Excellence Award for its Fiscal Year 2010 Annual Report.

### **BOARD MEMBERS' REPORTS**

Supervisor Biggs – Letters of Appreciation : Supervisor Biggs requested a letter of appreciation be sent to the Redistricting Committee for their work on the County's redistricting. She also asked that a letter of appreciation be sent to the Blacksburg Fire Department and Christiansburg Fire Department for their quick response to the fire at the new courthouse site.

Supervisor Creed - County's Animal Adoption Policy: Supervisor Creed expressed concern about the County's adoption policy. There is a \$10 adoption fee and a \$60/65 prepaid fee for spay/neuter. This fee is either refunded when the person supplies proof the adopted animal was spayed/neutered or is paid to Mtn. View Humane for providing this service. According to state

code all localities have to verify that all adopted animals are spayed and neutered after being adopted. Apparently a citizen wanted to adopt a dog at the County's Animal Control Center but could not afford the prepaid fee. Supervisor Creed suggested that everybody pay the same amount and if the dog is spayed/neutered then the money goes into a fund instead of being refunded. The fund would help pay for spay/neuter services for those people who can't afford to pay but are willing to adopt an animal.

The County Administrator stated he will meet with staff to discuss the County's policy.

### **ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Board adjourned to Thursday, June 23, 2011.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	William H. Brown
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Gary D. Creed		
James D. Politis		

The Board adjourned at 8:50 p.m.

APPROVED _____	ATTEST: _____
James D. Politis	F. Craig Meadows
Chair	County Administrator